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BOOK 2:
Pages 40685-41286

Federal Register

Monday
October 26, 1987

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 20, at 9 a.m.
WHERE: National Archives and Records Administration, Room 410, 8th and Pennsylvania Avenue NW., Washington, DC.
RESERVATIONS: Robert D. Fox, 202-523-5239.

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 87-138]

Oriental Fruit Fly; Addition to the Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental Fruit fly regulations by adding an additional portion of Orange Country in California to the list of areas designated as quarantined areas. This action is necessary as an emergency measure in order to prevent the artificial spread of the Oriental fruit fly into noninfested areas of the United States. The effect of this action is to impose certain restrictions on the interstate movement of regulated articles from the quarantined areas.

DATES: Interim rule effective October 20, 1987. Consideration will be given only to comments postmarked or received on or before December 28, 1987.

ADDRESSES: Send an original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87-138. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Eddie Elder, Chief Operations Officer, Domestic and Emergency Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 661 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Dacus dorsalis* (Hendel), is an extremely destructive pest of numerous fruits (especially citrus fruits), nuts, vegetables, and berries. Heavy infestation of this pest can result in complete loss of these crops. The short life cycle of the Oriental fruit fly permits the rapid development of serious outbreaks.

A document published in the Federal Register on July 22, 1987, (52 FR 27529-27536, Docket Number 87-095) and effective on July 17, 1987, established the Oriental fruit fly regulations (7 CFR 301.93 *et seq.*; referred to below as the regulations). The regulations impose restrictions on the interstate movement of regulated articles from quarantined areas in order to prevent the artificial spread of the Oriental fruit fly to noninfested areas of the United States.

The regulations, among other things, designated portions of Los Angeles County and Orange County as a quarantined area. This area remains infested with Oriental fruit fly.

However, the Oriental fruit fly has now been found in other areas of Orange County, as a result of trapping surveys conducted by inspectors of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture and state agencies of California. The regulations in § 301.93-3 provide that the Deputy Administrator for Plant Protection and Quarantine shall list as a quarantined area each state, or each portion of a state, in which the Oriental fruit fly has been found by an inspector. Accordingly, we are amending the regulations by adding the following area in Orange County in California as a quarantined area:

That portion of Orange county bounded by a line beginning at the intersection of Brookhurst Street and Ball Road, then east along Ball Road to its intersection with Taft Avenue, then east along Taft Avenue to its intersection with Tustin Avenue, then north along Tustin Avenue to its intersection with Taft Avenue, then east along Taft Avenue to its intersection with State Highway 55, then south along State Highway 55 to its intersection with Collins Avenue, then east along Collins Avenue to its intersection with Prospect Avenue, then south along Prospect Avenue to its intersection with Bond Avenue, then east along Bond Avenue to its intersection with Hewes Street, then south along Hewes Street to its intersection with Old Foothill Boulevard, then southeast along Old Foothill Boulevard to its intersection with Foothill Boulevard, then southeast along Foothill Boulevard to its intersection with Heathcliff Drive, then southwest along Heathcliff Drive to its intersection with La Loma Drive, then southeast along La Loma Drive to its intersection with Red Hill Avenue, then southwest along Red Hill Avenue to its intersection with Interstate Highway 405, then northwest along Interstate Highway 405 to its intersection with Brookhurst Street, then north along Brookhurst Street to the point of beginning.

Emergency Action

William F. Helms, Deputy Administrator of the Animal and plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment. Due to the possibility that the Oriental fruit fly could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to help control the spread of this pest. Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these emergency conditions, there is good cause under 5 U.S.C. 553 to make this interim rule effective upon signature. We will consider comments on this interim rule that are postmarked or received within 60 days of publication. As soon as possible after the comment period closes, we will publish another document in the Federal Register discussing the comments we received and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than 100 million dollars; will not cause a major increase in cost or prices for consumers, individuals industries, federal, state, or local government agencies, or

geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Within the part of Orange County that is being added to the quarantined area, there are approximately 80 small entities that may be affected. These include approximately 60 nurseries, 10 roadside stands and flea markets, 6 fruit and vegetable growers, 2 packing houses, 1 processor, and 1 farmers' market. The vegetable growers have a total of 23 acres in production, including 3 acres of avocados, 10 acres of tomatoes, and 10 acres of peppers and cucumbers. The packing houses package citrus fruits and vegetables for both intrastate and interstate markets, but most of the sales by these entities are local intrastate sales and will not be affected by this rule. Also, the treatments authorized and the conditions listed in the Oriental fruit fly regulations and the treatments in the Plant Protection and Quarantine Treatment Manual, incorporated by reference in the regulations, allow interstate movement of most articles without significant added costs.

Based on these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entitles.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Oriental fruit fly, Incorporation by reference.

Accordingly, 7 CFR Part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for Part 301 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, 162, and 167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.93–3(c), the designation of the quarantined areas is amended by adding a new portion of Orange County to the end of California to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) * * *

California

* * * * *

That portion of Orange county bounded by a line beginning at the intersection of Brookhurst Street and Ball Road, then east along Ball Road to its intersection with Taft Avenue, then east along Taft Avenue to its intersection with Tustin Avenue, then north along Tustin Avenue to its intersection with Taft Avenue, then east along Taft Avenue to its intersection with State Highway 55, then south along State Highway 55 to its intersection with Collins Avenue, then east along Collins Avenue to its intersection with Prospect Avenue, then south along Prospect Avenue to its intersection with Bond Avenue, then east along Bond Avenue to its intersection with Hewes Street, then south along Hewes Street to its intersection with Old Foothill Boulevard, then southeast along Old Foothill Boulevard to its intersection with Foothill Boulevard, then southeast along Foothill Boulevard to its intersection with Heathcliff Drive, then southwest along Heathcliff Drive to its intersection with La Loma Drive, then southeast along La Loma Drive to its intersection with Red Hill Avenue, then southeast along Red Hill Avenue to its intersection with Interstate Highway 405, then northwest along Interstate Highway 405 to its intersection with Brookhurst Street, then north along Brookhurst Street to the point of beginning.

* * * * *

Done at Washington, DC, this 20th day of October 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–24749 Filed 10–23–87; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 981

Almonds Grown in California; Salable, Reserve, and Export Percentages for 1987–88 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes salable, reserve, and export percentages of 82 percent, 18 percent, and 0 percent, respectively, for marketable California almonds delivered to handlers during the 1987–88 crop year, which began July 1, 1987. This action is taken under the marketing order for almonds grown in California and is intended to avoid unreasonable fluctuations in supplies and prices in view of a projected record large 1987 almond crop.

EFFECTIVE DATES: July 1, 1987, through June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory FlexibilityAct (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 105 handlers of almonds who are subject to regulation under the marketing order for California almonds during the current season. There are approximately 7,500 producers in the regulated area. Small agricultural producers have been defined by the Small business Administration (13 CFR 121.2) as those having average annual gross revenues for the last three years of less than $100,000, and small agricultural service firms, which would include handlers, have been defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California almonds may be classified as small entities.

This final rule will require handlers of California almonds to withhold, as a

reserve, from normal domestic and export markets 18 percent of merchantable almonds received from growers during the 1987–88 crop year. The remaining 82 percent of the crop may be sold by handlers in any market. Total 1987 crop marketable production is expected to be 570 million kernelweight pounds—the largest crop in history. This compares with a 359 million kernelweight pound average annual production for the last five years (1982 through 1986). Worldwide production for 1987 is also expected to be a record high. Domestic and export trade demand for 1987–88 is estimated at 480 million kernelweight pounds.

Reserve almonds could be transferred to the salable category at a later date if it is found that the salable percentage is insufficient to satisfy 1987–88 trade demand, including desirable carryover requirements for use during the 1988–89 crop year (if it appears that the 1988 crop will be insufficient to meet 1988–89 trade demand needs). Otherwise, reserve almonds will be diverted to secondary outlets such as almond oil or animal feed.

While this rule may restrict the amount of almonds which handlers may sell in normal domestic and export markets, the salable and reserve percentages are needed to lessen the impact of the oversupply situation facing the industry and to promote stronger marketing conditions, thus avoiding unreasonable fluctuations in prices and supplies and improving grower returns. Further, this action will provide market stability during the 1988–89 crop year in the event that 1988 production is below market needs. Given the cyclical tendency of almond production, this is a likely possibility.

Based on the above, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

Notice of this action was published in the **Federal Register** (52 FR 32107) on August 25, 1987. Comments were invited from interested persons until September 9, 1987. Six comments were received.

The authority to establish salable, reserve, and export percentages is pursuant to § 981.47 of the marketing agreement and Order No. 981, both as amended (7 CFR Part 981), regulating the handling of almonds grown in California and hereinafter referred to collectively as the "order." The order is effective under the Act. This action is based on a unanimous recommendation of the Almond Board of California, hereinafter referred to as the "Board," which was established under the order for the purpose of administering the program.

Pursuant to §§ 981.47 and 981.49 of the order, the Board based its recommendation for salable, reserve and export percentages of 82 percent, 18 percent, and 0 percent, respectively, on estimates of marketable supply and combined domestic and export trade demand for the 1987–88 crop year. The Board's 1987 marketable production estimate of 570 million kernelweight pounds is based on its 1987 crop estimate of 600 million kernelweight pounds, minus an estimated weight loss of 30 million kernelweight pounds resulting from the removal of inedible kernels by handlers and losses during manufacturing.

Trade demand is estimated at 480 million kernelweight pounds—160 million pounds for domestic needs and 320 million kernelweight pounds for export needs. An inventory adjustment is made to account for supplies of almonds carried in from the 1986–87 marketing year and for supplies deemed desirable to be carried out on June 30, 1988, for early season shipment during the 1988–89 crop year, until the 1988 crop is available for market. After adjusting for inventory, the trade demand was calculated at 467.4 million kernelweight pounds, the quantity of almonds from the estimated 1987 marketable production deemed necessary for trade demand needs. The salable percentage of 82 percent will meet those needs.

The remaining 18 percent (102.6 million kernelweight pounds) of the 1987 crop marketable production will be withheld by handlers to meet their reserve obligations. All or part of these almonds could be transferred to the salable category if it is found that the salable supply made available by the 82 percent salable percentage is insufficient to satisfy 1987–88 trade demand, including desirable carryover requirements for use during the 1988–89 crop year. The Board is required to make any recommendation to the Secretary to increase the salable percentage prior to May 15, 1988. Alternatively, reserve almonds will be sold by the Board, or by handlers under agreement with the Board, to governmental agencies or charitable institutions or for diversion into almond oil, almond butter, animal feed, or other outlets which the Board finds are noncompetitive with existing normal markets for almonds.

The order permits the Board to include normal export requirements with domestic requirements in its estimate of trade demand when recommending the establishment of salable, reserve, and export percentages for any crop year. For the 1987–88 crop year, estimated exports are included in trade demand, thereby making export only a salable outlet rather than a reserve outlet. Thus, an export percentage of 0 percent is established. Because of this action, no portion of the reserve will be eligible for export to normal export outlets.

A tabulation of the estimates and calculations used by the Board in arriving at its recommendation is as follows:

MARKETING POLICY ESTIMATES—1987 CROP

[Kernelweight Basis]

	Million pounds	Percent
Estimated production:		
1. 1987 Production	600.0	
2. Loss and Exempt—5.0%	30.0	
3. Marketable Production	570.0	
Estimated trade demand:		
4. Domestic	160.0	
5. Export	320.0	
6. Total	480.0	
Inventory adjustment:		
7. Carryin 7/1/87	76.2	
8. Desirable Carryover 6/30/88	63.6	
9. Adjustment	(12.6)	
Salable/Reserve:		
10. Adjusted Trade Demand (Item 6 plus Item 9)	467.4	
11. Reserve (Item 3 minus item 10)	102.6	
12. Salable % (Item 10÷item 3 x 100)		82
13. Reserve % (100% minus item 12)		18

This action will help avoid unreasonable fluctuations in supplies and prices as the industry faces its largest crop in history. The projected 1987 crop of 570 million marketable kernelweight pounds will be 141.8 percent larger than last year's 235.7 million kernelweight pound crop and 1.1 percent larger than the 1984 previous record crop of 563.6 million kernelweight pounds. World production is forecast at 819.1 million kernelweight pounds—7.0 percent larger than the 1984 previous record of 765.4 million kernelweight pounds.

This action will provide an estimated 543.6 million kernelweight pounds of California almonds for unrestricted sales (1987 crop salable production plus carryin from the 1986 crop). This amount is 112.7 percent of the actual 1984–85 record for delivered sales of California almonds. Thus, this action meets the requirements of the "Guidelines for Fruit, Vegetable, and Speciality Crop Marketing Orders" that primary markets have available a quantity equal to 110 percent of recent years' sales.

One comment received from Peggy M. Leong, manager of the Board, requested clarification of a statement in the proposed rule that reserve almonds "would be diverted to secondary outlets such as almond oil or animal feed." The

commenter states that disposition to non-human consumption outlets is only one option the Board has in considering the disposition of the 1987 crop reserve, and that it is not the intent of the Board that reserve almonds necessarily be used solely for those two non-human consumption outlets.

The commenter quotes the paragraph in question from the proposed rule in its entirety as follows:

> Reserve almonds could be released to salable at a later date if it is found that the salable percentage is insufficient to satisfy 1987–88 trade demand, including desirable carryover requirements for use during the 1988–89 crop year (if it appears that the 1988 crop will be insufficient to meet 1988–89 trade demand needs). Otherwise, reserve almonds would be diverted to secondary outlets such as almond oil or animal feed.

In clarification, this paragraph prescribes two alternative options for reserve almonds depending on trade demand needs. Reserve almonds may be released to salable categories, or, if the reserve is not released to salable, disposition of the reserve would be governed by § 981.66 of the order. Paragraph (c) of that section provides that no reserve almonds shall be sold in the United States, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions except for diversion into almond oil, almond butter, poultry or animal feed, or other channels which the Board finds are noncompetitive with existing normal markets for almonds. Thus, handlers are not necessarily required to divert their reserve into oil or animal feed. The Board may also add additional outlets to the list of noncompetitive outlets for the disposition of reserve.

The second commenter, Duane Jardine of Jardine Organic Ranch, a handler located in Paso Robles, California, generally supports the proposed percentages as a means of maintaining prices and quality. However, this commenter believes that organically grown almonds should be exempt from reserve requirements because the organic market is undersupplied and is not competitive with the conventional almond market. The almond marketing order, however, does not contain authority to exempt organically grown almonds. In order to include this authority, the order would need to be amended, which is beyond the scope of this action.

A third commenter, Steven W. Easter of the California Almond Growers Exchange of Sacramento, California, supports the proposed percentages unequivocally.

A fourth commenter, Brian C. Leighton, attorney for Saulsbury Orchards and Almond Processing Inc., a Madera, California, handler, objects to the proposed percentages for a number of different reasons, as discussed below.

This commenter was not convinced that the statement in the proposed rule that the 1987 almond crop will be the largest in history is correct. The commenter contends that the 1984 almond crop, at 586.9 million kernelweight pounds, was larger than the 1987 crop will be. However, the proposed rule states that 1987 crop production is estimated at 600 million kernelweight pounds, and that the marketable 1987 production will be 570 million kernelweight pounds. This is approximately 6 million kernelweight pounds higher than the 1984 marketable production of 563.6 million pounds.

The commenter also objects to the statement in the proposed rule that the 1987–88 crop year world production is expected to be a record high. However, the Board's 819.1 million kernelweight pound estimate is based on the Gill & Duffus 1987 "Edible Nut Market Report," which is widely regarded as an accurate and impartial source of world crop production forecasts.

The commenter also believes that the trade demand for the 1987 almond crop should be higher than what is estimated in the proposal, because the commenter believes the 1987 hazelnut crop will be extremely short, thereby creating added demand for almonds. However, Gill & Duffus estimates 1987 hazelnut production at 450,000 metric tons, which is 17,200 metric tons higher than the 1977–86 ten-year average, and slightly higher than the 1986 crop.

The next two objections raised by the commenter concern a new program initiated by the California Almond Growers Exchange (CAGE). This program allows CAGE growers to defer delivery of 1987 crop almonds to CAGE until the 1988–89 crop year. One objection stated is that the proposal does not make allowance for this deferral in its estimation of 1987 crop-year marketable almond production. The extent to which CAGE growers will participate in this program is not known. However, should deliveries to handlers be significantly affected, the salable percentage could be increased as provided for in § 981.48 of the order.

The commenter is also concerned that CAGE may be able to use deferred almonds to meet their 18 percent reserve holding requirement. Handlers are required to set aside as reserve, only those almonds received by them. Deferred almonds would not be received under the terms of the order. Accordingly, if the deferral program is utilized, almonds deferred under the program could not be used to satisfy the reserve requirement.

This same commenter further objects to including almond butter as a disposition outlet for reserve almonds as mentioned in the proposal. However, § 981.66(c) of the order specifically includes almond butter as a disposition outlet for reserve almonds, and changes in the order itself, such as disallowing almond butter as a disposition outlet, would require formal rulemaking procedures beyond the scope of this current action. All handlers, should they be required to dispose of reserve almonds, have the opportunity to meet their disposition obligation by permitted means, including making almond butter themselves or selling almonds to an almond butter manufacturer.

Another objection is raised concerning brand advertising assessments on the 18 percent almond crop reserve held by handlers. The commenter feels the assessment should not be placed on that 18 percent of the almond crop which cannot be sold immediately at market prices. The order, however, provides for assessments on all almonds received by handlers whether they are salable or reserve almonds.

The commenter believes that growers should be entitled to sell in-shell and in-hull almonds directly to non-competitive outlets, so that they might avoid the cost of shelling and hulling almonds that may be held as part of handlers' 18 percent reserve obligations. However, in doing so growers would be considered handlers subject to order requirements including those relating to percentages.

Another suggestion by this commenter would be to have all handlers vote on whether or not to establish a reserve. The order does not authorize a procedure by which all handlers could vote on such matters. However, the Almond Board of California represents both growers and handlers and is comprised of five grower members and five handler members who are nominated to these positions by the growers and handlers themselves. Thus, industry handlers are represented in Board decisions and recommendations concerning such matters.

This commenter's final suggestion concerns including a formula as part of this action, to determine if and when reserve almonds would be transferred to the salable category or alternatively disposed of through reserve outlets. To provide for such a formula would require amending the marketing order itself, which is beyond the scope and authority of this present action. In addition, § 981.48 of the order prescribes

procedures for increasing salable percentages.

The fifth and sixth commenters, George K. Noga of Maitland, Florida, and John D. Curtis of Longwood, Florida, both growers, suggest that the reserve, at 18 percent, is too large. These commenters believe that the 18 percent reserve will hurt consumption; the commenters are willing to withstand somewhat lower prices in return for a higher level of consumption. However, an oversupply of almonds could result in market instability and a downward spiral in prices, whereby buyers would be reluctant to purchase almonds until they were convinced that a bottom price had been reached. This could result in both decreased consumption and sharply lower prices.

After consideration of all relevant matter presented, including the Board's recommendation and other available information, it is found that the changes hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action applies to all almonds received by handlers during the 1987–88 crop year, which began July 1, 1987; (2) handlers are currently receiving and processing 1987–88 crop year almonds; and (3) handlers are aware of this action, which was recommended by the Board at a public meeting, and need no additional time to comply with the requirements.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, California.

For the reasons set forth in the preamble, 7 CFR Part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Add a new subpart consisting of § 981.235 to read as follows:

Subpart—Salable, Reserve, and Export Percentages

§ 981.235 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1987.

The salable, reserve, and export percentages during the crop year beginning July 1, 1987, shall be 82 percent, 18 percent, and 0 percent, respectively.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87–24674 Filed 10–23–87; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket Number 87–ACE–07]

Alteration of Transition Area; Millard, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Millard, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Millard, Nebraska, Municipal Airport, utilizing the Omaha VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Dale L. Carnine, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE–540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional approach procedure is being developed for the Millard, Nebraska, Municipal Airport, utilizing the Omaha VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails alteration of the transition area at Millard, Nebraska, at or above 700 feet above the ground, within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft, using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

Discussion of Comments

On pages 31411 and 31412 of the **Federal Register**, dated August 20, 1987, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations, so as to alter the transition area at Millard, Nebraska. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No negative responses were received as a result of the Notice of Proposed Rulemaking.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 71 of the FAR (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Millard, Nebraska [Revised]

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Millard Airport (Lat. 41°11'46"N., Long. 96°06'43"W.); and within 4.75 miles each side of the 310° bearing from the Millard Airport extending from the 6½ mile radius area to 9½ miles northwest of the airport, excluding that portion which overlies the Omaha, Nebraska, transition area.

This amendment becomes effective at 0901 UTC January 14, 1988.

Issued in Kansas City, Missouri, on October 6, 1987.

Clarence E. Newbern,

Assistant Manager, Air Traffic Division.

[FR Doc. 87-24667 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASW-14]

Amendment of Transition Area; Watonga, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition at Watonga, OK. The intended effect of this action is to provide adequate controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Watonga Airport, Watonga, OK, utilizing the new Watonga nondirectional radio beacon (NDB). This action is necessary in order to ensure segregation of aircraft operating to and from the airport under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

EFFECTIVE DATE: 0901 UTC, January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On April 9, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Watonga, OK (52 FR 13713).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comments received objecting to this action came from the United States Air Force. Their objections centered around the following issue:

- The alteration of the transition area would impact military aircraft flying Military Training Routes (MTR) in the Watonga, OK area.

The FAA does not agree with this objection. The anticipated number of IFR arrivals to or departures from Watonga Airport is not expected to have an adverse effect on military aircraft flying MTR's in the area. Standard IFR separation will be provided between aircraft on an IFR clearance to/from Watonga Airport and military aircraft operating along IFR MTR's in the area.

Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the existing 700-foot transition area at Watonga, OK. The development of a new NDB Rwy 17 SIAP to the Watonga Airport utilizing the new Watonga NDB necessitated this action. The alteration of the existing transition area will consist of a 6-mile wide extension approximately 3.5 miles north from the edge of the present transition area. The intended effect of this action is to ensure segregation of aircraft using the approach procedures under IFR and other aircraft operating under VFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Watonga, OK [Amended]

By adding at the end of the description: and within 3 miles each side of the 008° bearing from the Watonga NDB (latitude 35°51'44"N., longitude 98°25'30"W.), extending from the 6.5-mile radius area to 10 miles north of the airport.

Issued in Fort Worth, TX, on October 8, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87-24668 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 87-AWA-32]

Alteration of VOR Federal Airways and Jet Routes; New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the descriptions of Federal Airways V-203, V-91 and Jet Routes J-567 and J-228 located in the vicinity of Massena, NY. The Canadian Government requested segments of these airways/routes that cross the United States/Canada boundary be amended to coincide with reorganized terminal airspace in the Montreal/Mirabel, Canada, areas. This action supports that request.

EFFECTIVE DATE: 0901 UTC, January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On August 14, 1987, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter the descriptions of VOR Federal Airways V-203, V-91 and J-567 and J-228 located in the vicinity of Massena, NY (52 FR 30381). Transport Canada is reorganizing the terminal airspace associated with the Montreal/Dorval and Montreal/Mirabel Airports. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial

changes, these amendments are the same as those proposed in the notice. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations alter the descriptions of VOR Federal Airways V–203, V–91 and Jet Routes J–567 and J–228 located in the vicinity of Messena, NY. The Montreal, Quebec, Canada Regional Office of Transport Canada is reorganizing the terminal airspace associated with the Montreal/Dorval and Montreal/Mirabel Airports. The result to trans-border airspace is the relocation of two air route intersections which will require the realignment of low and high level route segments formed by radials from the Massena, NY, and Plattsburgh, NY, VORTAC's. This action supports Transport Canada's request.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways, Jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for Part 71 continues as read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E. O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–91 [Amended]

By removing the words "Plattsburgh, NY;" and substituting the words "Plattsburgh, NY; INT Plattsburgh 348° and Montreal, Canada, 154° radials;"

V–203 [Amended]

By removing the words "INT Massena 045° and Montreal, Canada, 188° radials;" and substituting the words "INT Massena 048° and Montreal, Canada, 188° radials;"

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

3. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

4. Section 75.100 is amended as follows:

J–567 [Revised]

From Plattsburgh, NY, INT Plattsburgh 348° and Montreal, Canada 154° radial; Montreal. The portion within Canada is excluded.

J–228 [Amended]

By removing the words "From Montreal, Canada;" and substituting the words "From" and by removing the words "The airspace within Canada is excluded."

Issued in Washington, DC, on October 16, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–24666 Filed 10–23–87; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM87–36–000; Order No. 481]

Interpretation of Comprehensive Plans Under Section 3 of the Electric Consumers Protection Act

Issued: October 20, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is stating its interpretation of state and Federal comprehensive plans under section 3(b)(4) of the Electric Consumers Protection Act of 1986 (Act). The Act requires the Commission to require, in issuing a hydroelectric license, the extent to which the proposed project is consistent with an existing Federal or state comprehensive plan for "improving, developing, or conserving a waterway or waterways affected by the project".

EFFECTIVE DATE: November 25, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 357–8530.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon and C. M. Naeve.

I. Introduction

On October 16, 1986, the President signed the Electric Consumers Protection Act of 1986 (ECPA). [1] Section 3(b)(4) of the Act amends section 10(a) of the Federal Power Act (FPA) [2] to require the Federal Energy Regulatory Commission (Commission) to consider, in issuing a hydroelectric license, the extent to which the proposed project is consistent with an existing Federal or state comprehensive plan for "improving, developing, or conserving a waterway or waterways affected by the project." In this rule, the Commission is defining a "comprehensive plan" and establishing guidelines for developing these plans.

II. Background and Discussion

A. Comprehensive Plans Under Sections 10(a)(1) and 10(a)(2)(A) of the FPA

The Commission has always been required to ensure that under section 10(a) of the FPA:

> The [hydroelectric] project adopted * * * be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses * * *. [3]

The Supreme Court has interpreted section 10(a) as requiring the Commission to explore "all issues relevant to the 'public interest.' " [4]

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[1] Pub. L. No. 99–495, 100 Stat. 1234 (1986).

[2] 16 U.S.C. 803(a) (1982).

[3] *Id.*

[4] *Udall* v. *Federal Power Commission*, 387 U.S. 428, 450 (1967).

When the Commission acts on a license application, the entire record developed in the proceeding by which the Commission judges the application constitutes the section 10(a) comprehensive plan. This record is developed by the applicant, Commission staff, intervenors, commenting Federal, state, and local agencies, and other concerned parties. The Commission integrates and balances the various public interest issues thus identified to ensure that any project it licenses will serve to optimize the improvement and utilization of the waterway for beneficial public purposes. Any licensing decision of the Commission must be supported by "substantial evidence," pursuant to section 313(b) of the FPA. [5]

ECPA amended the FPA to redesignate section 10(a) as section 10(a)(1) and to specify certain of the public interest factors that the Commission is to consider in issuing licenses,[6] including, in new section 10(a)(2)(A), the extent to which the proposed project complies with any existing Federal or state comprehensive plan. Specifically, section 10(a)(2)(A) requires the Commission to consider:

> [T]he extent to which the project is consistent with a comprehensive plan (where one exists) for improving, developing or conserving a waterway or waterways affected by the project that is prepared by—
> (i) An agency established pursuant to Federal law that has the authority to prepare such a plan; or
> (ii) The State in which the facility is or will be located.

The legislative history of section 10(a)(2)(A) indicates that state plans are within the scope of section 10(a)(2)(A) only if they were prepared and adopted pursuant to a specific act of the state legislature and developed, implemented, and managed by the appropriate state agency.[7] The Commission therefore adopted this interpretation in *Fieldcrest Mills Inc.*,[8] and further stated that plans would be within the scope of section 10(a)(2)(A) only if they "reflect the preparers' own balancing of the competing uses of a waterway, based on their data and applicable policy considerations (*i.e.*, consider and balance all relevant public use considerations)." This reflects the Commission's conclusion that comprehensive planning under section 10(a)(2)(A) should, like comprehensive planning under section 10(a)(1), take into account all uses relevant to the public interest.

Many of the plans currently submitted to the Commission consider only one or a few uses of the waterway. They do not provide conclusions based on balancing of power needs, potential economic growth and other issues that the Commission considers as part of its FPA section 10(a)(1) analysis. Nor are these plans accompanied by the substantial facts, studies, and technical evidence necessary to allow the Commission to fully understand or independently confirm the state's conclusions. Consequently, the Commission must often derive its own conclusion without the benefit of the state's views on all of the aspects included in the Commission's analysis.

If a state or regional plan does not qualify as a comprehensive plan under section 10(a)(2)(A), however, the Commission will consider the plan, as it considers all relevant studies and recommendations, in its public interest analysis pursuant to section 10(a)(1). Further, the weight to be accorded any information or recommended action, whether or not it is contained in a comprehensive plan, depends on the documentation that supports it, since Commission findings must be based on substantial evidence pursuant to section 313(b) of the FPA. The Commission's definition of a comprehensive plan does not, therefore, serve to include in Commission deliberations some plans and exclude others, since all such plans are taken into account. Rather, the Commission wishes to provide guidelines with respect to what type of plan will carry the most weight in the Commission's licensing decisions.

B. Elements of an FPA Section 10(a)(2)(A) Comprehensive Plan

The Commission recognizes that, since each waterway is unique, it is difficult to establish specific criteria to follow in developing a comprehensive plan. However, based on its experience and a review of plans submitted by a number of entities, the Commission does believe it is possible to establish general guidelines for developing these plans. The more closely a plan conforms to these guidelines, the more weight it will have on the Commission's decisions.

A comprehensive plan should contain the following: (1) A description of the waterway [9] or waterways that are the subject of the plan, including pertinent maps detailing the geographic area of the plan; (2) a description of the significant resources of the waterway or waterways; (3) a description of the various existing and planned uses for these resources; and (4) a discussion of goals, objectives, and recommendations for improving, developing, or conserving the waterway or waterways in relation to these resources.

The description of the significant resources in the area should contain, among other things: (1) Navigation; (2) power development; (3) energy conservation; (4) fish and wildlife; (5) recreational opportunities; (6) irrigation; (7) flood control; (8) water supply; and (9) other aspects of environmental quality.

The description of existing and planned uses of the waterway or waterways should include the items listed above as well as a description of currently unused areas of the waterway and any future plans for these areas. The plan should also address the advantages and disadvantages associated with each planned use.

In establishing goals, objectives, and recommendations for improving, developing, or conserving the waterway or waterways, the plan should contain an examination of how the different uses will promote the overall public interest, a statement as to the goals the plan expects to achieve, and an analysis of how any specific recommendations of the plan further those goals. A description of the methodology used in developing the plan should also be included.

III. Paperwork Reduction Act

The information collection provisions in this final rule are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act [10] and OMB's regulations.[11] Interested persons can obtain information on the proposed information collection provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 (Attention: Ellen Brown, Division of Organization and Management Analysis, (202) 357–5311). Comments on the information collection provisions in this rule may be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission).

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[5] 16 U.S.C. 8251(b) (1982).

[6] ECPA was not intended to "change the holdings in relevant cases, such as *Udall v. FPC*." H.R. Rep. No. 99-934, 99th Cong., 2nd Sess. 21–22 (1986).

[7] 99th Cong. Rec. S4140 (remarks by Chairman McClure, April 11, 1986).

[8] 37 FERC ¶ 61,264 (1986).

[9] Waterway, as defined in the context of utilizing these guidelines for developing comprehensive plans, may include a river segment, river basin, drainage area, or other geographical area.

[10] 44 U.S.C. 3501–20 (1982).

[11] 5 CFR 1320.12 (1987).

IV. Effective Date

The Administrative Procedure Act exempts interpretative rules from both the notice and comment requirements of section 4(b) of the Administrative Procedure Act [12] and the requirement that publication be made 30 days before the effective date of the rule.[13] Since this rule states the Commission's interpretation of a Federal or state comprehensive plan under ECPA, it is properly characterized as an interpretative rule. In order to allow OMB sufficient time to review the reporting requirements in this final rule, however, it will become effective November 25, 1987. If OMB has not approved this rule by that date, the Commission will issue a notice temporarily suspending the effective date until OMB has approved the requirements.

List of Subjects in 18 CFR Part 2

Administrative practice and procedure, Electric power, Environmental impact statements, Natural gas, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Part 2, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 142 (1978); Federal Power Act, 16 U.S.C. 792–825r (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act of 1987, 16 U.S.C. 2601–2645 (1982); and the National Environmental Policy Act, 42 U.S.C. 4321–4361 (1978), unless otherwise indicated.

2. A new § 2.19 is added to read as follows:

§ 2.19 State and Federal comprehensive plans.

(a) In determining whether a proposed hydroelectric project is the one best adapted to a comprehensive plan under section 10(a)(1) of the Federal Power Act for improving or developing a waterway, the Commission will consider the extent to which the project is consistent with a comprehensive plan (where one exists) for improving, developing, or conserving a waterway or waterways affected by the project that is prepared by:

(1) An agency established pursuant to Federal law that has the authority to prepare such a plan, or

(2) The state in which the facility is or will be located if it is prepared and adopted pursuant to a specific act of the state legislature and is developed, implemented, and managed by the appropriate state agency.

(b) In order for a state or Federal plan to be considered comprehensive it must reflect the preparer's own balancing of the competing uses of a waterway, based on its data and relevant public use considerations.

(c) A state or Federal comprehensive plan should contain the following:

(1) A description of the waterway or waterways that are the subject of the plan, including pertinent maps detailing the geographic area of the plan (a waterway may include a river segment, river basin, drainage area or other geographic area);

(2) A description of the significant resources of the waterway or waterways;

(3) A description of the various existing and planned uses for these resources (including currently unused areas of the waterway and future plans for those areas), with a discussion of the advantages and disadvantages associated with each planned use; and

(4) A discussion of goals, objectives, and recommendations for improving, developing, or conserving the waterway or waterways in relation to these resources, including an examination of how different uses of the waterway will promote the overall public interest, a statement as to the goals the plan expects to achieve, and an analysis of how any specific recommendations further those goals. A description of the methodology used in developing the plan should also be included.

(d) The description of the resources and uses in paragraphs (c)(2) and (c)(3) of this section, should contain, among other things:

(1) Navigation,

(2) Power development,

(3) Energy conservation,

(4) Fish and wildlife,

(5) Recreational opportunities,

(6) Irrigation,

(7) Flood control,

(8) Water supply, and

(9) Other aspects of environmental quality.

[FR Doc. 87–24727 Filed 10–23–87; 8:45 am]

BILLING CODE 6717–01–M

[12] 5 U.S.C. 553(b) (1982).

[13] 5 U.S.C. 553(d) (1982).

18 CFR Parts 35 and 389

[Docket No. RM87–4–001]

Rate Changes Relating to Federal Corporate Income Tax Rates for Public Utilities

Issued: October 19, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing.

SUMMARY: On June 26, 1987, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 475) to establish an abbreviated rate filing procedure that electric public utilities could use to reflect the reduction in the public utilities could use to reflect the reduction in the corporate income tax under the Tax Reform Act of 1986.

In this order, the Commission denies rehearing of this decision.

EFFECTIVE DATE: October 19, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street NE., Washington, DC 20426, (202) 357–8530.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Order No. 475–A, Denying Rehearing

I. Introduction

The Commission is denying rehearing of its final rule[1] that established a voluntary filing procedure to reduce utilities' rates to reflect a change in the Federal corporate income tax rate.

II. Background and Discussion

On June 26, 1987, the Commission issued a final rule establishing an abbreviated rate filing procedure that electric public utilities may use to reduce their rates to reflect the decrease in the Federal corporate income tax rate under the Tax Reform Act of 1986.[2] Under the Act, the corporate income tax rate was reduced from 46 percent to 34 percent effective July 1, 1987. On July 24, 1987, Coast Electric Power Association, *et al.*, (Coast Electric)[3] filed a request for

[1] Order No. 475, 52 FR 24987 (July 2, 1987), III FERC Stats. and Regs. ¶30,752 (1987).

[2] I.R.C. 1–7872 (1986).

[3] Coast Electric Power Association, Connecticut Municipal Electric and Gas Association, East Mississippi Electric Power Association, Kansas Electric Power Cooperative, Inc., MAP–PAL, Inc., Municipal Electric Systems of Oklahoma, National Rural Electric Cooperative Association, North

Continued

rehearing.[4] For the reasons discussed below, the Commission denies rehearing.

Coast Electric states that the final rule fails to adequately address its comments with regard to the Commission's authority to act under section 206 of the Federal Power Act (FPA).[5] In its comments, Coast Electric requested the Commission to exercise its authority to require utilities to file revised rates to reflect the reduction in the corporate tax rate. Coast Electric had argued in its comments to the NOPR that the Commission should have made the filing procedure mandatory. If the Commission declined to make the filing mandatory, Coast Electric had argued that the Commission should make clear that it would institute expedited FPA section 206 show cause proceedings against non-filing utilities. It restated this argument in its request for rehearing.

The Commission considered these arguments in the final rule and declined to adopt Coast Electric's suggestions. The Commission stated in the final rule that it lacked the legal authority to require rate filings under FPA section 205. In the final rule, the Commission established a voluntary, rather than mandatory, filing procedure. The Commission believes that this procedure is the most efficient and expedient method for generically reducing rates to reflect the reduction in the corporate tax rate. The Commission has no reason to believe utilities will not use the filing procedure. However, it retains its authority to act under FPA section 206 to ensure that a utility's rates reflect the changes in the tax law under the Tax Reform Act of 1986.

Coast Electric also states that the Commission failed to consider the price squeeze implications of the rulemaking. It argues that the Commission's failure to order reductions in utility rates places wholesale customers in a price squeeze, since some state public service commissions have reduced retail rates to reflect both the reduced tax rate and current lower capital costs experienced by utilities.

The Commission does not believe that the rule has any adverse price squeeze effects. In fact, in the situations cited by Coast Electric, if a utility uses the abbreviated filing procedure to reduce rates, price squeeze relating to differing treatments of the tax rate will be eliminated. As for utilities that do not file under abbreviated filing procedure, the Commission has the authority, on its own initiative or by complaint, to address price squeeze situations. If a customer believes that price squeeze exists, either due to different treatment in tax rates at the wholesale and retail levels, or because of any other factor, it may file an FPA section 206 complaint.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24728 Filed 10-23-87; 8:45 am]

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Carolina Electric Membership Corporation, Northeast Texas Electric Cooperative, Inc., Oglethorpe Power Corporation, Sam Rayburn G&T, Inc., Seminole Electric Cooperative, Inc., Singing River Electric Power Association, and South Mississippi Electric Power Association.

[4] The Commission in also dismissing a motion filed by the Iowa Power and Light Company (Iowa Power). On June 25, 1987 Iowa Power filed a Motion for Waiver of Rule requesting that it be excused from the mandatory filing requirements in the rule and that the Commission accept in lieu thereof a Stipulation Agreement between Iowa Power and its customers. The Commission is dismissing this request, since consideration of such a motion is not appropriate in a rulemaking proceeding, but notes that the final rule did not promulgate any mandatory filing requirements.

[5] 16 U.S.C. 824e (1982).

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18 CFR Part 37

[Docket No. RM86-12-000]

Generic Determination of Rate of Return on Common Equity for Public Utilities

Issued: October 19, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of benchmark rate of return on common equity for public utilities.

SUMMARY: In accordance with 18 CFR 37.5, the Commission issues the update to the "advisory" benchmark rate of return on common equity applicable to rate filings made during the period November 1987 through January 1988. This rate is set at 12.27 percent.

EFFECTIVE DATE: November 1, 1987.

FOR FURTHER INFORMATION CONTACT: Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8283.

SUPPLEMENTARY INFORMATION:

Benchmark Rate of Return on Common Equity for Public Utilities

On December 24, 1986, the Commission issued a final rule which amended the quarterly indexing procedure for establishing and updating the benchmark rate of return on common equity applicable to electric rate filings.[1] Based on this amended procedure, the Commission determines that the benchmark rate of return on common equity applicable to rate filings made during the period November 1, 1987 through January 31, 1988 is 12.27 percent.

According to the amended § 37.9 each quarterly benchmark rate of return is set equal to the average cost of common equity for the jurisdictional operations of public utilities. This average cost is based on the average of the median dividend yields for the two most recent calendar quarters for a sample of 100 utilities. The average yield is used in the following formula with fixed adjustment factors (determined in the annual proceeding) to determine the cost rate:

$$k_t = 1.02y_t + 4.63$$

where k_t is the average cost of common equity and y_t is the average dividend yield.

The median dividend yield for the sample of utilities for the second and third quarter of 1987 are 7.40 and 7.58 percent, respectively. The average is 7.49 percent. Using the latter yield produces an average cost of common equity of 12.27 percent. The attached appendix provides the supporting data for the latest quarter used in this update.

List of Subjects in 18 CFR Part 37

Electric power rates, Electric utilities, Rate of retrun.

In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective November 1, 1987.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 37—[AMENDED]

1. The authority citation for Part 37 continues to read as follows:

Authority: Federal Power Act, 16 U.S.C. 791a-825r (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982).

2. In paragraph (d) of § 37.9, the table is revised to read as follows:

§ 37.9 Quarterly indexing procedure.

* * * * *

(d) * * *

[1] Generic Determination of Rate of Return on Common Equity for Public Utilities, 52 FR 11 (January 2, 1987) (Docket No. RM86-12-000) (Final Rule) (Order No. 461).

Benchmark applicability period (t)	Dividend increase adjustment factor (a)	Expected growth adjustment factor (b)	Current dividend yield (Y_t)	Cost of common equity (k_t)	Benchmark rate of return
2/1/86-4/30/86	1.02	4.54	9.03	13.75	13.75
5/1/86-7/31/86	1.02	4.54	8.37	13.08	13.25
8/1/86-10/31/86	1.02	4.54	7.49	12.18	12.75
11/1/86-1/31/87	1.02	4.54	6.75	11.43	12.25
2/1/87-4/30/87	1.02	4.63	6.44	11.20	11.20
5/1/87-7/31/87	1.02	4.63	6.54	11.30	11.30
8/1/87-10/31/87	1.02	4.63	6.97	11.74	11.74
11/1/87-1/31/88	1.02	4.63	7.49	12.27	12.27

NOTE: The Appendix will not be codified in Code of Federal Regulations

Appendix

Exhibit No. and Title

1—Initial Samples of Utilities
2—Utilities excluded from the sample for the indicated quarter due to either zero dividends of a cut in dividends for this quarter or the prior three quarters
3—Annualized dividend yields for the indicated quarter for utilities retained in the sample

Source of Data: Standard and Poor's Computstat Services, Inc., Utility COMPUSTAT II Quarterly Data Base.

Exhibit 1

SAMPLE OF UTILITIES

Utility	Ticker Symbol
Allegheny Power System	AYP
American Electric Power	AEP
Atlantic City Electric	ATE
Baltimore Gas & Electric	BGE
Black Hills Corp	BKH
Boston Edison Co	BSE
Carolina Power & Light	CPL
Centerior Energy Corp	CX
Central & South West Corp	CSR
Central Hudson Gas & Elec	CNH
Central Ill Public Service	CIP
Central Louisiana Electric	CNL
Central Maine Power Co	CTP
Central Vermont Pub Serv	CV
Cilcorp Inc	CER
Cincinnati Gas & Electric	CIN
CMS Energy Corp	CMS
Commonwealth Edison	CWE
Commonwealth Energy System	CES
Consolidated Edison of NY	ED
Delmarva Power & Light	DEW
Detroit Edison Co	DTE
Dominion Resources Inc-Va	D
DPL Inc	DPL
Duke Power Co	DUK
Duquesne Light Co	DQU
Eastern Utilities Assoc	EUA
Empire District Electric Co	EDE
Fitchburg Gas & Elec Light	FGE
Florida Progress Corp	FPC
FPL Group Inc	FPL
General Public Utilities	GPU
Green Mountain Power Corp	GMP
Gulf States Utilities Co	GSU
Hawaiian Electric Inds	HE
Houston Industries Inc	HOU
I E Industries Inc	IEL
Idaho Power Co	IDA
Illinois Power Co	IPC
Interstate Power Co	IPW
Iowa Resources Inc	IOR
Iowa-Illinois Gas & Elec	IWG
IPALCO Enterprises Inc	IPL
Kansas City Power & Light	KLT
Kansas Gas & Electric	KGE
Kansas Power & Light	KAN
Kentucky Utilities Co	KU
Long Island Lighting	LIL
Louisville Gas & Electric	LOU
Maine Public Service	MAP
Middle South Utilities	MSU
Midwest Energy Co	MWE
Minnesota Power & Light	MPL
Montana Power Co	MTP
NECO Enterprises Inc	NPT
Nevada Power Co	NVP
New England Electric System	NES
New York State Elec & Gas	NGE
Niagara Mohawk Power	NMK
Northeast Utilities	NU
Northern Indiana Public Serv	NI
Northern States Power-MN	NSP
Ohio Edison Co	OEC
Oklahoma Gas & Electric	OGE
Orange & Rockland Utilities	ORU
Pacific Gas & Electric	PCG
Pacificorp	PPW
Pennsylvania Power & Light	PPL
Philadelphia Electric Co	PE
Pinnacle West Capital Corp	PNW
Portland General Corp	PGN
Potomac Electric Power	POM
Public Service Co of Colo	PSR
Public Service Co of Ind	PIN
Public Service Co of N H	PNH
Public Service of N Mex	PNM
Public Service Enterprises	PEG
Puget Sound Power & Light	PSD
Rochester Gas & Electric	RGS
San Diego Gas & Electric	SDO
Savannah Elec & Power	SAV
Scana Corp	SCG
Sierra Pacific Resources	SRP
Southern Calif Edison Co	SCE
Southern Co	SO
Southern Indiana Gas & Elec	SIG
St Joseph Light & Power	SAJ
Teco Energy Inc	TE
Texas Utilities Co	TXU
TNP Enterprises Inc	TNP
Tucson Electric Power Co	TEP
Union Electric Co	UEP
United Illuminating Co	UIL
Unitil Corp	UTL
Utah Power & Light	UTP
Utilicorp United Inc	UCU
Washington Water Power	WWP
Wisconsin Energy Corp	WEC
Wisconsin Power & Light	WPL
Wisconsin Public Service	WPS

Exhibit 2

UTILITIES EXCLUDED FROM THE SAMPLE FOR THE INDICATED QUARTER DUE TO EITHER ZERO DIVIDENDS OR A CUT IN DIVIDENDS FOR THIS QUARTER OR THE PRIOR THREE QUARTERS

[Year-87 Quarter-3]

Ticker Symbol	Utility	Reason for Exclusion
CMS	CMS Energy Corp	Dividend rate was zero for the quarter ending 09/30/87.
GPU	General Public Utilities	Dividend rate was zero for the quarter ending 03/31/87.

UTILITIES EXCLUDED FROM THE SAMPLE FOR THE INDICATED QUARTER DUE TO EITHER ZERO DIVIDENDS OR A CUT IN DIVIDENDS FOR THIS QUARTER OR THE PRIOR THREE QUARTERS—Continued

[Year-87 Quarter-3]

Ticker Symbol	Utility	Reason for Exclusion
GSU	Gulf States Utilities Co	Dividend rate was zero for the quarter ending 09/30/87.
LIL	Long Island Lighting	Dividend rate was zero for the quarter ending 09/30/87.
MSU	Middle South Utilities	Dividend rate was zero for the quarter ending 09/30/87.
NI	Northern Indiana Public Serv	Dividend rate was zero for the quarter ending 09/30/87.
NMK	Niagara Mohawk Power	Dividend rate reduced in the quarter ending 09/30/87.
PIN	Public Service Co of Ind	Dividend rate was zero for the quarter ending 09/30/87.
PNH	Public Service Co of N H	Dividend rate was zero for the quarter ending 09/30/87.
RGS	Rochester Gas & Electric	Dividend rate reduced in the quarter ending 09/30/87.

N=10

Exhibit 3

ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

[Year-87 Quarter-3]

Ticker Symbol	Price, 1st month of Qrtr-High	Price, 1st month of Qrtr-low	Price, 2nd month of Qrtr-high	Price, 2nd month of Qrtr-low	Price, 3rd month of Qrtr-high	Price, 3rd month of Qrtr/low	Average price	Dividends: Annual rate	Annualized dividend yield
AEP	27.750	26.500	28.625	26.125	27.750	26.125	27.146	2.260	8.325
ATE	34.875	33.125	36.500	32.750	34.750	31.750	33.958	2.680	7.892
AYP	40.375	35.750	40.250	36.125	38.875	36.875	38.042	2.920	7.676
BGE	32.375	30.250	33.875	30.000	32.875	30.000	31.563	1.900	6.020
BKH	25.250	23.000	25.250	22.875	25.000	23.125	24.083	1.280	5.315
BSE	23.000	20.125	22.000	19.500	21.625	19.750	21.000	1.780	8.476
CER	35.375	33.250	36.875	34.750	36.000	34.500	35.125	2.340	6.662
CES	34.000	30.000	33.500	31.000	33.000	30.500	32.000	2.800	8.750
CIN	27.750	25.500	27.625	25.500	26.250	24.750	26.229	2.200	8.388
CIP	24.000	22.250	25.125	22.500	23.625	21.000	23.083	1.720	7.451
CNH	27.625	23.000	25.250	23.250	24.750	23.125	24.500	2.960	12.082
CNL	34.250	32.375	35.250	33.250	33.875	31.750	33.458	2.200	6.575
CPL	37.500	34.375	37.625	34.500	36.125	33.875	35.667	2.760	7.738
CSR	31.625	30.375	34.750	29.625	33.500	30.125	31.667	2.280	7.200
CTP	17.875	15.875	17.500	15.500	16.375	14.750	16.313	1.400	8.582
CV	26.375	22.000	24.875	22.125	25.375	22.750	23.917	1.900	7.944
CWE	35.625	31.500	34.750	31.250	33.875	30.500	32.917	3.000	9.114
CX	18.000	15.375	17.250	15.000	18.500	16.125	16.708	2.560	15.322
D	44.500	39.500	45.625	40.875	43.250	40.750	42.417	2.960	6.978
DEW	20.375	18.250	21.375	18.375	19.750	18.500	19.438	1.413	7.270
DPL	26.500	24.000	26.500	23.750	25.625	24.500	25.146	2.080	8.272
DQU	12.375	11.750	12.875	12.000	12.750	12.000	12.292	1.200	9.763
DTE	16.625	15.000	16.125	15.000	15.625	14.500	15.479	1.680	10.853
DUK	45.000	43.375	48.250	43.500	46.625	44.250	45.167	2.800	6.199
ED	44.750	42.000	46.000	43.000	44.375	42.750	43.813	2.960	6.756
EDE	28.125	27.625	29.500	27.750	28.125	27.375	28.083	2.000	7.122
EUA	33.250	28.500	32.375	28.625	32.000	29.125	30.646	2.300	7.505
FGE	24.000	22.125	26.500	24.000	25.750	24.250	24.438	1.520	6.220
FPC	36.250	34.000	39.000	34.500	36.625	34.000	35.729	2.400	6.717
FPL	31.500	30.000	34.000	30.125	32.750	30.125	31.417	2.120	6.748
GMP	24.250	23.125	26.125	23.750	25.250	23.250	24.292	1.860	7.657
HE	29.500	28.250	29.625	28.125	30.625	27.750	28.979	1.800	6.211
HOU	33.750	32.000	35.000	32.125	33.875	31.875	33.104	2.880	8.700
IDA	25.000	22.250	26.000	23.375	25.500	24.375	24.417	1.800	7.372
IEL	24.375	23.000	24.875	23.000	24.000	22.250	23.583	1.980	8.396
IOR	21.750	20.250	22.125	20.125	21.000	19.750	20.833	1.640	7.872
IPC	27.000	25.375	26.875	25.125	26.375	24.875	25.938	2.640	10.178
IPL	23.750	22.125	24.625	21.875	23.750	22.000	23.021	1.560	6.776
IPW	24.500	23.250	25.500	23.375	24.750	22.500	23.979	1.960	8.174
IWG	42.000	38.250	39.875	37.750	39.875	38.250	39.333	3.040	7.729
KAN	26.125	24.125	27.375	24.125	26.375	23.750	25.313	1.650	6.519
KGE	23.500	21.750	25.625	20.250	22.125	19.625	22.146	1.360	6.141
KLT	27.875	24.750	31.000	25.500	27.750	26.000	27.146	2.240	8.252
KU	19.500	18.250	21.125	18.500	19.750	18.500	19.271	1.300	6.746
LOU	35.625	33.375	36.625	33.250	35.875	33.625	34.729	2.660	7.659

ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE—Continued

[Year-87 Quarter-3]

Ticker Symbol	Price, 1st month of Qrtr-High	Price, 1st month of Qrtr-low	Price, 2nd month of Qrtr-high	Price, 2nd month of Qrtr-low	Price, 3rd month of Qrtr-high	Price, 3rd month of Qrtr/low	Average price	Dividends: Annual rate	Annualized dividend yield
MAP	28.250	27.125	27.250	24.625	26.625	25.250	26.521	1.600	6.033
MPL	27.000	24.250	27.750	23.875	27.000	23.500	25.563	1.660	6.494
MTP	35.625	34.375	36.750	33.875	37.250	33.875	35.292	2.680	7.594
MWE	20.625	19.500	21.250	19.125	20.375	18.250	19.854	1.520	7.656
NES	28.125	25.250	28.125	25.000	27.250	24.750	26.417	2.000	7.571
NGE	28.875	25.875	28.125	26.000	27.000	25.125	26.833	2.640	9.839
NPT	22.000	20.500	21.625	21.000	21.000	19.625	20.958	1.500	7.157
NSP	32.750	30.875	34.000	30.750	32.500	30.125	31.833	2.020	6.346
NU	23.500	22.000	24.250	22.000	22.500	21.625	22.646	1.760	7.772
NVP	19.875	17.750	20.625	18.625	20.000	19.000	19.313	1.480	7.663
OEC	21.750	20.500	23.250	21.125	21.750	19.125	21.250	1.960	9.224
OGE	33.125	30.500	32.750	30.375	32.375	29.875	31.500	2.180	6.921
ORU	33.750	30.000	32.125	30.125	31.875	29.500	31.229	2.220	7.109
PCG	20.250	19.000	20.875	19.000	20.750	18.125	19.667	1.920	9.763
PE	22.250	21.125	23.375	21.000	21.750	19.750	21.542	2.200	10.213
PEG	25.500	24.250	27.250	23.875	25.625	23.500	25.000	2.000	8.000
PGN	26.125	24.250	27.000	24.125	25.750	23.500	25.125	1.960	7.801
PNM	33.125	30.750	32.375	28.250	28.625	24.000	29.521	2.920	9.891
PNW	32.625	29.875	32.000	28.750	31.000	28.500	30.458	2.800	9.193
POM	23.625	21.500	24.500	21.250	23.875	21.625	22.729	1.300	5.720
PPL	36.500	33.500	37.375	33.500	36.500	34.000	35.229	2.680	7.607
PPW	36.625	34.000	36.250	34.500	35.375	33.375	35.021	2.520	7.196
PSD	20.125	18.875	20.875	18.625	21.875	19.625	20.000	1.760	8.800
PSR	22.750	21.250	22.625	19.875	21.875	20.000	21.396	2.000	9.348
SAJ	21.625	20.000	21.750	19.250	20.500	19.500	20.438	1.320	6.459
SAV	16.875	15.250	17.500	16.000	17.375	15.875	16.479	1.000	6.068
SCE	31.875	29.875	33.375	30.625	32.750	31.125	31.604	2.380	7.531
SCG	33.750	30.625	34.500	30.750	33.500	30.750	32.313	2.320	7.180
SDO	34.125	32.000	35.000	32.250	34.000	31.500	33.146	2.500	7.542
SIG	36.500	35.000	36.375	34.625	35.625	34.375	35.417	2.120	5.986
SO	25.000	22.750	24.500	22.500	23.625	21.625	23.333	2.140	9.171
SRP	26.000	23.000	24.250	23.125	23.625	21.750	23.625	1.760	7.450
TE	22.813	21.688	24.000	21.500	24.125	22.000	22.688	1.340	5.906
TEP	58.875	54.250	61.500	55.000	58.875	55.750	57.375	3.600	6.275
TNP	20.250	19.125	21.625	20.000	20.875	20.000	20.313	1.390	6.843
TXU	32.625	30.875	34.375	31.000	32.125	30.125	31.854	2.800	8.790
UCU	21.625	19.750	20.375	17.500	18.125	16.500	18.979	1.040	5.480
UEP	24.375	22.875	25.875	23.125	25.125	22.875	24.042	1.920	7.986
UIL	37.375	21.625	25.250	22.000	25.000	23.500	24.125	2.320	9.617
UTL	33.125	32.500	34.000	32.500	34.125	33.500	33.292	1.880	5.647
UTP	28.500	23.375	30.875	25.875	29.750	28.125	27.750	2.320	8.360
WEC	25.125	23.625	26.625	23.750	25.750	23.000	24.646	1.440	5.843
WPL	48.750	46.500	48.750	46.000	48.500	45.625	47.354	3.120	6.589
WPS	23.750	22.687	25.750	23.125	23.500	21.250	23.344	1.540	6.597
WWP	27.500	25.375	28.625	26.625	27.875	26.000	27.000	2.480	9.185

N=90

[FR Doc. 87-24616 Filed 10-23-87; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 558

Animal Drugs, Feeds, and Related Products; Ammonium Chloride

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing the regulation reflecting approval of a new animal drug application (NADA) sponsored by Allied-Signal, Inc., by removing the entry for the product covered by the NADA, and by removing the firm from the list of sponsors of approved NADA's. The NADA provides for the use of Cal-Bar (ammonium chloride) Type A article to make Type C cattle and sheep feeds. In a notice published elsewhere in this issue of the **Federal Register**, the agency is withdrawing approval of the NADA at the sponsor's request.

EFFECTIVE DATE: November 5, 1987.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, the agency is withdrawing approval of NADA 34-253 sponsored by Allied-Signal, Inc. (formerly Allied Chemical Corp.), P.O. Box 2245R, Morristown, NJ 07960-2245.

The firm's NADA provides for the use of Cal-Bar (ammonium chloride) Type A article in making cattle and sheep feeds. The feeds are used to reduce the incidence of urinary calculi. This document removes from 21 CFR 558.4 the entry for ammonium chloride and removes 21 CFR 558.45, which reflects approval of the NADA, in its entirety. In addition, because the firm is no longer the sponsor of any approved NADA's, the regulation in 21 CFR 510.600(c) (1) and (2) is amended to remove the firm from the list of sponsors of approved NADA's. The firm is currently listed in 21 CFR 510.600(c) (1) and (2) under its former name Allied Chemical Corp.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegatd to the Center for Veterinary Medicine, Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 512, 701(a) (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry for "Allied Chemical Corp." and in paragraph (c)(2) by removing the entry for "011462."

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.4 [Amended]

4. Section 558.4 *Medicated feed applications* is amended in Category I of paragraph (d) by removing the entry for "Ammonium chloride."

§ 558.45 [Removed]

5. Section 558.45 *Ammonium chloride, feed grade* is removed.

Dated: October 20, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87–24649 Filed 10–23–87; 8:45 am]

BILLING CODE 4160–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2642

Allocating Unfunded Vested Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This revision of the Interim Regulation on Allocating Unfunded Vested Benefits (29 CFR Part 2642) amends the rules under which a multiemployer pension plan may change the method by which it allocates unfunded vested benefits to withdrawing employers under section 4211 of the Employee Retirement Income Security Act of 1974, as amended. Generally, plans may adopt any of the statutory allocation methods described in section 4211 subject to the approval of the Pension Benefit Guaranty Corporation. In addition, section 4211(c)(5) of ERISA authorizes the PBGC to prescribe regulations under which plans may adopt other allocation methods or modifications to the statutory methods either with or without the PBGC's approval. The PBGC's regulation implementing these provisions has been in effect since January 1981. Since then, the PBGC has identified a number of ways in which the PBGC might simplify the regulation, as well as areas in which the PBGC needs either to broaden or to limit the rules. Accordingly, the effect of this revision is to make clarifications and corrections in the regulation, to simplify the process for requesting PBGC approval of amendments, and to prohibit certain types of alternative allocation methods.

EFFECTIVE DATE: November 25, 1987.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Corporate Policy and Regulations Department (35400), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202–778–8850 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Under section 4201 of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), an employer that withdraws from a multiemployer pension plan may incur withdrawal liability to the plan. Withdrawal liability represents the employer's allocable share of the plan's unfunded vested benefits determined under section 4211 and adjusted in accordance with other provisions in sections 4201–4225. Section 4211 prescribes four methods that a plan may use to allocate a share of unfunded vested benefits to a withdrawing employer, and also provides for possible modifications of those methods and for the use of allocation methods other than those prescribed. All changes to a plan's allocation rules are subject to the approval of the Pension Benefit Guaranty Corporation ("PBGC").

This final regulation, which was issued in proposed form on September 9, 1985 (50 FR 36603), prescribes rules for changing a plan's allocation method under section 4211 of ERISA. It replaces the PBGC's Interim Regulation on Allocating Unfunded Vested Benefits (29 CFR Part 2642), which was published on January 19, 1981.

The interim regulation was amended on December 3, 1985 (50 FR 49540), to add provisions dealing with modifications to plans' allocation rules to accommodate the change in the effective date of section 4211 made by the Deficit Reduction Act of 1984 ("DEFRA"). The PBGC believes that virtually all plans that might have wanted to adopt modifications under those provisions have already done so. Accordingly, those provisions are not included in this final regulation. Any plan desiring to adopt DEFRA modifications after the effective date of this final regulation may submit them for PBGC approval under subpart C of the regulation.

The proposed version of this regulation included a "restart provision" dealing with the application of ERISA section 4211 to plans with no unfunded vested benefits. That provision has been omitted from this final regulation because of the PBGC's reconsideration of Opinion Letter 83–19 (August 11, 1983). In that letter, the PBGC stated its opinion that a withdrawing employer may incur withdrawal liability to a plan even though the plan has no unfunded vested benefits. On September 6, 1985 (50 FR 36504), the PBGC published a notice that it was reconsidering Opinion Letter 83–19. On December 31, 1986 (51 FR 47342), the PBGC published a notice reversing its earlier position and stating its opinion that no amount is allocable to an employer under ERISA section 4211 where a plan has no unfunded vested benefits as of the end of the plan year preceding the employer's withdrawal.

The PBGC's reversal of the statutory interpretation in Opinion Letter 83–19 makes it necessary to restructure the restart provision and to provide other related rules. These will be added to Part 2642 at a later date after a new notice of proposed rulemaking and public comment thereon.

Comments on the Proposed Regulation

Five commenters submitted comments on the proposed regulation. However, three commenters addressed only the restart provision. The comments on the restart provision have not been considered because the restart provision is not part of the final regulation and will, as noted above, be the subject of a separate rulemaking proceeding.

One commenter questioned the consistency of allowing construction industry plans to adopt modifications to the denominators of fractions used in the presumptive method under § 2642.6, but not allowing them to make other changes. Section 4211(c)(1) of ERISA prohibits the adoption of any allocation method other than the presumptive method by a construction industry plan. However, § 2642.6 allows plans generally, including construction plans, to adopt alternative definitions of certain phrases that appear in the description of the denominators of allocation fractions in section 4211 (b), (c)(2) and (c)(3), and to adopt a special rule to correct for contributions of withdrawn employers in computing those denominators. The PBGC believes that there are special circumstances that make the denominator adjustments in § 2642.6 permissible for construction industry plans but that do not apply to the other modifications described in the regulation.

Section 2642.6(a) states the PBGC's preferred interpretation of the statutory phrases "the sum of all contributions made" and "total amount contributed," which appear in section 4211 (b), (c)(2), and (c)(3). However, the PBGC does not believe that Congress, in using those phrases, intended to prescribe any single precise method of determining the quantities they refer to. Rather, the PBGC believes that any one of several methods of determining "the sum of all contributions made" and "total amount contributed" would be consistent with the three allocation methods described in section 4211 (b), (c)(2) and (c)(3), including, in particular, the presumptive method. Thus, § 2642.6(b) lists four permissible alternative interpretations or definitions of these phrases. Since the use of any one of these alternative definitions is, in the PBGC's view, within the intent of the statutory description of the presumptive allocation method, construction plans are allowed to adopt any of these definitions instead of the definition given in § 2642.6(a).

Section 2642.6(c) deals with the requirement that contributions of certain withdrawn employers be excluded from the denominators of the fractions used to determine a withdrawing employer's share of unfunded vested benefits under each of the statutory allocation methods described in section 4211 (b), (c)(2) and (c)(3). (For this purpose, § 2640.4 defines a withdrawn employer generally as one that has discontinued contributions to or covered operations under the plan.) Section 2642.6(c) incorporates the statutory language, which, on its face, seems to require that the plan sponsor promptly identify all withdrawn employers as they withdraw in order to compute other withdrawing employers' withdrawal liability. For many plans, however, and particularly for construction industry plans, the prompt identification of all withdrawn employers would be an overwhelming, if not impossible, task. Section 2642.6(c)(1), therefore, allows plans to adopt a less rigorous and more practicable definition of those employers whose contributions are to be excluded from the relevant fraction denominators, *i.e.*, "significant withdrawn employers." The PBGC concedes that it is not as clear in this situation that Congress intended to give plans (including construction plans) flexibility in defining the relevant group of employers. Nevertheless, the PBGC believes that the need to alleviate what, in some cases, may be an impossible administrative burden militates in favor of a broad reading of the pertinent statutory provisions in this case.

Another commenter disputed the PBGC's authority to promulgate § 2642.11(c), prohibiting any change in a plan's allocation method that would result in a systematic and substantial overallocation of unfunded vested benefits, including specifically a method that would allocate to an employer the greater of two amounts of liability determined under two allocation rules.

The commenter first asserted that section 4211(c)(5)(A) of ERISA gives the PBGC no authority to prohibit allocation methods that create no risk to the insurance system. As pointed out in the preamble to the proposed regulation, however, the PBGC has concluded that systematic overallocation, except when rendered necessary by compelling administrative considerations, is contrary to the intent of ERISA. The four statutory allocation methods are uniform in allocating, to the extent feasible, 100% of total unfunded vested benefits. Similarly, the legislative history of the Multiemployer Pension Plan Amendments Act indicates that Congress sought through withdrawal liability to achieve an equitable allocation of plan liabilities among all employers. Accordingly, the PBGC believes that a custom allocation method that imposes an artificially high liability on early-withdrawing employers is inconsistent with the requirements of ERISA.

The commenter next stated that section 4211(c)(5)(A) requires case-by-case determinations, and that some methods that allocate the greater of two amounts would not result in "an unreasonable overcharge." The PBGC considers this point well taken. Accordingly, the PBGC has deleted from the prohibition on systematic and substantial overallocation (§ 2642.11(c)) the words suggesting that methods allocating the greater of two amounts necessarily have an improper result. Such methods that do not result in a systematic and substantial overallocation may be approved by the PBGC if they satisfy the standards in § 2642.13.

The same commenter urged the PBGC to revise § 2642.14, which prohibits the continued use of an allocation method previously adopted by a plan if it allocates to an employer the greater of the amounts of unfunded vested benefits determined under two different allocation rules. The commenter said that § 2642.14 should state expressly that its effect is prospective only and that it does not inhibit the collection of withdrawal liability from employers that have already withdrawn. The PBGC believes that § 2642.14 makes this point clear by providing explicitly that it affects only allocation methods applied "to any employer withdrawing on or after" the effective date of the section.

The PBGC has made a change in § 2642.14 to reflect the change in § 2642.11(c), discussed above. As drafted, proposed § 2642.14 would have prohibited the future use of all "greater-of-two" allocation methods and assumed that the PBGC would no longer approve any such method. However, to be consistent with the final version of § 2642.11(c), § 2642.14 has been changed to apply only to "greater-of-two" allocation methods previously approved by the PBGC; *i.e.*, those methods approved when the PBGC's review procedure did not include a determination of whether a method would result in systematic and substantial overallocation.

If a plan that had adopted such a method wishes to continue using that method, the plan must readopt the method and submit it for PBGC approval in the same manner as for any other amendment for which approval is required under Subpart C. Thus, for example, the plan would have to give notice to employers of the adoption of the method under section 4214(b) of ERISA and observe the requirements of § 2642.11(d)(1) regarding the amount that may be assessed to a withdrawing employer pending PBGC approval of an allocation method.

Other Changes from the Proposed Regulation

One other change has been made in § 2642.6(c), which describes employers whose contributions are excluded from the denominators of fractions used to determine withdrawing employers' shares of unfunded vested benefits under section 4211 (b), (c)(2) and (c)(3) of ERISA. The employers in question are those "that permanently cease to have an obligation to contribute to the plan or permanently cease covered operations" within a time period described in § 2642.6(c). The PBGC has revised the language describing these employers by adding the word "permanently" in two places.

Section 2642.11(d)(1) deals with demands for withdrawal liability while PBGC action is pending on a plan's request for approval of an amendment to its allocation method. During this period, a plan may not demand an amount greater than the amount determined under the amendment, or the amount determined without the amendment, whichever is smaller. The PBGC has added a requirement that employers be informed of both amounts and of the fact that the larger amount may become payable depending on the PBGC's action on the approval request. This will enable employers to make more informed decisions about whether to challenge withdrawal liability assessments. The additional administrative burden to the plan is negligible, because both amounts must be calculated in any event to determine which is the smaller.

Section 2642.13(b) describes criteria for PBGC approval of alternative allocation methods or modifications to methods. As proposed, § 2642.13(b)(2) required that allocations be based on either an employer's share of plan contributions or the unfunded vested benefits "directly attributable" to each employer. That phrase was carried over from the interim regulation. The PBGC is concerned that the word "directly" may be given a narrower interpretation than the PBGC intended. For example, the PBGC did not mean to imply that an allocation method based on unfunded vested benefits attributable to each employer would be unacceptable unless the attribution were based on hours of service actually worked for each employer. In fact, the interim regulation has not been so applied. Accordingly, the PBGC has deleted the word "directly" from the phrase in question.

Compliance With Rulemaking Guidelines

The PBGC has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. ERISA requires the PBGC to establish, by regulation, rules for the adoption of modifications and alternatives to the allocation methods under section 4211 of ERISA. This regulation simply revises an existing regulation fulfilling that requirement.

Under section 605(b) of the Regulatory Flexibility Act, the PBGC certifies that this rule will not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. The regulation affects only multiemployer plans covered by the PBGC. Small multiemployer plans represent only .4% of all small plans covered by the PBGC (346 out of 84,288). The regulation will affect only those plans that choose to change their allocation methods. The PBGC estimates, based on its experience to date, that no more than 16 multiemployer plan sponsors per year will amend their plans under ERISA section 4211 in a manner requiring PBGC approval. Thus, the PBGC expects there to be very few small plans that will need to file amendment approval requests under these rules. Therefore, the PBGC waives compliance with sections 603 and 604 of the Regulatory Flexibility Act.

The collection of information requirements contained in this proposed regulation have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

List of Subjects in 29 CFR Part 2642

Employee benefit plans, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR Part 2642 is revised to read as follows:

PART 2642—ALLOCATING UNFUNDED VESTED BENEFITS

Subpart A—General

Sec.
2642.1 Purpose and scope.
2642.2 Special rules for construction industry and IRC section 404(c) plans.

Subpart B—Changes Not Subject to PBGC Approval

2642.5 Changes not subject to PBGC approval.
2642.6 Modifications to the presumptive, modified presumptive and rolling-5 methods.
2642.7 Modifications to the direct attribution method.

Subpart C—Changes Subject to PBGC Approval

2642.11 Changes subject to PBGC approval.
2642.12 Requests for PBGC approval.
2642.13 Approval of alternative method.
2642.14 Special rule for certain alternative methods previously approved.

Authority: 29 U.S.C. 1302(b)(3) and 1391(c)(1), (c)(2)(D), (c)(5)(A), (c)(5)(B), and (c)(5)(D).

Subpart A—General

§ 2642.1 Purpose and scope.

(a) *Purpose.* Section 4211 of the Act provides four methods for allocating unfunded vested benefits to employers that withdraw from a multiemployer plan: The presumptive method (section 4211(b)); the modified presumptive method (section 4211(c)(2)); the rolling-5 method (section 4211(c)(3)); and the direct attribution method (section 4211(c)(4)). With the minor exceptions covered in § 2642.2, a plan determines the amount of unfunded vested benefits allocable to a withdrawing employer in accordance with the presumptive method, unless the plan is amended to adopt an alternative allocation method. Generally, the PBGC must approve the adoption of an alternative allocation method. On September 25, 1984, 49 FR 37686, the PBGC granted a class approval of all plan amendments adopting one of the statutory alternative allocation methods. Subpart C of this regulation sets forth the criteria and procedures for PBGC approval of non-statutory alternative allocation methods. Section 4211(c)(5) of the Act also permits certain modifications to the statutory allocation methods. The PBGC

is to prescribe these modifications in a regulation, and plans may adopt them without PBGC approval. Subpart B of this regulation contains the permissible modifications to the statutory methods. Plans may adopt other modifications subject to PBGC approval under Subpart C.

(b) *Scope.* This part applies to all multiemployer plans covered by section 4021(a) of ERISA and not excluded by section 4021(b).

§ 2642.2 Special rules for construction industry and IRC section 404(c) plans.

(a) *Construction plans.* Except as provided in the next sentence, a plan that primarily covers employees in the building and construction industry shall use the presumptive method for allocating unfunded vested benefits. However, the plan may, with respect to employers that are not construction industry employers within the meaning of section 4203(b)(1)(A) of the Act, adopt, by amendment, one of the statutory alternative methods or a non-statutory allocation method. Any such amendment is subject to PBGC approval under Subpart C of this part. A construction plan may, without the PBGC's approval, adopt by amendment any of the modifications to the presumptive method set forth in § 2642.6.

(b) *Section 404(c) plans.* A plan described in section 404(c) of the Internal Revenue Code (a plan established before January 1, 1954, as a result of agreement between employee representatives and the United States during a period of government operation, under seizure powers, of a major part of the productive facilities of an industry) or a continuation of such a plan shall allocate unfunded vested benefits under the rolling-5 method unless the plan, by amendment, adopts an alternative method. The plan may adopt one of the statutory allocation methods without PBGC approval; adoption of any other allocation method is subject to PBGC approval under Subpart C of this part. A section 404(c) plan may, without the PBGC's approval, adopt by amendment any of the modifications set forth in Subpart B.

Subpart B—Changes Not Subject to PBGC Approval

§ 2642.5 Changes not subject to PBGC approval.

(a) *General rule.* A plan, other than a plan that primarily covers employees in the building and construction industry, may adopt, by amendment, any of the statutory allocation methods and any of the modifications set forth in §§ 2642.6 and 2642.7, without the approval of the PBGC.

(b) *Building and construction industry plans.* A multiemployer plan that primarily covers employees in the building and construction industry may adopt, by amendment, any of the modifications to the presumptive rule set forth in § 2642.6 without the approval of the PBGC.

§ 2642.6 Modifications to the presumptive, modified presumptive and rolling-5 methods.

(a) *"Contributions made" and "total amount contributed".* Each of the allocation fractions used in the presumptive, modified presumptive and rolling-5 methods is based on contributions that certain employers have made to the plan for a five-year period. For purposes of these methods, and except as provided in paragraph (b) of this section, "the sum of all contributions made" or "total amount contributed" by employers for a plan year means the amounts (other than withdrawal liability payments) considered contributed to the plan for the plan year for purposes of section 412(b)(3)(A) of the Internal Revenue Code. For plan years before section 412 applies to the plan, "the sum of all contributions made" or "total amount contributed" means the amount reported to the Internal Revenue Service or the Department of Labor as total contributions for the plan year; for example, for plan years in which the plan filed the Form 5500, the amount reported as total contributions on line 14(c) of that form. Employee contributions, if any, shall be excluded from the totals.

(b) *Changing the period for counting contributions.* A plan sponsor may amend a plan to modify the denominators in the presumptive, modified presumptive and rolling-5 methods in accordance with one of the alternatives described in this paragraph. Except as provided in paragraph (b)(4) of this section, any amendment adopted under this paragraph shall be applied consistently to all plan years. Contributions counted for one plan year may be not counted for any other plan year. If a contribution is counted as part of the "total amount contributed" for any plan year used to determine a denominator, that contribution may not also be counted as a contribution owed with respect to an earlier year used to determine the same denominator, regardless of when the plan collected that contribution.

(1) A plan sponsor may amend a plan to provide that "the sum of all contributions made" or "total amount contributed" for a plan year means the amount of contributions that the plan actually received during the plan year, without regard to whether the contributions are treated as made for that plan year under section 412(b)(3)(A) of the Internal Revenue Code.

(2) A plan sponsor may amend a plan to provide that "the sum of all contributions made" or "total amount contributed" for a plan year means the amount of contributions actually received during the plan year, increased by the amount of contributions received during a specified period of time after the close of the plan year not to exceed the period described in section 412(c)(10) of the Internal Revenue Code and regulations thereunder.

(3) A plan sponsor may amend a plan to provide that "the sum of all contributions made" or "total amount contributed" for a plan year means the amount of contributions actually received during the plan year, increased by the amount of contributions accrued during the plan year and received during a specified period of time after the close of the plan year not to exceed the period described in section 412(c)(10) of the Internal Revenue Code and regulations thereunder.

(4) A plan sponsor may amend a plan to provide that—

(i) For plan years ending before September 26, 1980, "the sum of all contributions made" or "total amount contributed" means the amount reported on line 14(c) of Form 5500 and, for years before the plan was required to file Form 5500, the amount of total contributions reported on any predecessor reporting form required by the Department of Labor or the Internal Revenue Service; and

(ii) For subsequent plan years, "the sum of all contributions made" or "total amount contributed" means the amount described in paragraph (a) of this section, or the amount described in paragraphs (b)(1), (b)(2) or (b)(3) of this section.

(c) *Excluding contributions of significant withdrawn employers.* Contributions of certain withdrawn employers are excluded from the denominator in each of the fractions used to determine a withdrawing employer's share of unfunded vested benefits under the presumptive, modified presumptive and rolling-5 methods. Except as provided in paragraph (c)(1) of this section, contributions of all employers that permanently cease to have an obligation to contribute to the plan or permanently cease covered operations before the end of the period of plan years used to

determine the fractions for allocating unfunded vested benefits under each of those methods (and contributions of all employers that withdrew before September 26, 1980) are excluded from the denominators of the fractions.

(1) The plan sponsor of a plan using the presumptive, modified presumptive or rolling-5 method may amend the plan to provide that only the contributions of significant withdrawn employers shall be excluded from the denominators of the fractions used in those methods.

(2) For purposes of this paragraph (c), "significant withdrawn employer" means—

(i) An employer to which the plan has sent a notice of withdrawal liability under section 4219 of the Act; or

(ii) A withdrawn employer that in any plan year used to determine the denominator of a fraction contributed at least $250,000 or, if less, 1% of all contributions made by employers for that year.

(3) If a group of employers withdraw in a concerted withdrawal, the plan shall treat the group as a single employer in determining whether the members are significant withdrawn employers under paragraph (c)(2) of this section. A "concerted withdrawal" means a cessation of contributions to the plan during a single plan year—

(i) By an employer association;

(ii) By all or substantially all of the employers covered by a single collective bargaining agreement; or

(iii) by all or substantially all of the employers covered by agreements with a single labor organization.

§ 2642.7 Modifications to the direct attribution method.

(a) *Error in direct attribution method.* The unfunded vested benefits allocated to a withdrawing employer under the direct attribution method are the sum of the employer's attributable liability, determined under section 4211 (c)(4)(A)(i) and (c)(4)(B) of the Act, and the employer's share of the plan's unattributable liability, determined under section 4211(c)(4)(E) and allocated to the employer under section 4211(c)(4)(F). Plan sponsors should allocate unattributable liabilities on the basis of the employer's share of the attributable liabilities. However, section 4211(c)(4)(F) of the Act, which describes the allocation of unattributable liabilities, contains a typographical error. Therefore, plans adopting the direct attribution method shall modify the phrase "as the amount determined under subparagraph (C) for the employer bears to the sum of the amounts determined under subparagraph (C) for all employers under the plan" in section 4211(c)(4)(F) by substituting "subparagraph (B)" for "subparagraph (C)" in both places it appears.

(b) *Allocating unattributable liability based on contributions in period before withdrawal.* A plan that is amended to adopt the direct attribution method may provide that instead of allocating the unattributable liability in accordance with section 4211(c)(4)(F) of the Act, the employer's share of the plan's unattributable liability shall be determined by multiplying the plan's unattributable liability determined under section 4211(c)(4)(E) by a fraction—

(1) The numerator of which is the total amount of contributions required to be made by the withdrawing employer over a period of consecutive plan years (not fewer than five) ending before the withdrawal; and

(2) The denominator of which is the total amount contributed under the plan by all employers for the same period of years used in paragraph (b)(1) of this section, decreased by any amount contributed by an employer that withdrew from the plan during those plan years.

Subpart C—Changes Subject to PBGC Approval

§ 2642.11 Changes subject to PBGC approval.

(a) *General rule.* Subject to the approval of the PBGC pursuant to this subpart, a plan, other than a plan that primarily covers employees in the building and construction industry, may adopt, by amendment, any allocation method or modification to an allocation method that is not permitted under Subpart B of this part.

(b) *Building and construction industry plans.* Subject to the approval of the PBGC pursuant to this subpart, a plan that primarily covers employees in the building and construction industry may adopt, by amendment, any allocation method or modification to an allocation method that is not permitted under § 2642.6 if the method or modification is applicable only to its employers that are not construction industry employers within the meaning of section 4203(b)(1)(A) of the Act.

(c) *Substantial overallocation not allowed.* No plan may adopt an allocation method or modification to an allocation method that results in a systematic and substantial overallocation of the plan's unfunded vested benefits.

(d) *Use of method prior to approval.* A plan may implement an alternative allocation method or modification to an allocation method that requires PBGC approval before that approval is given. However, the plan sponsor shall assess liability in accordance with this paragraph.

(1) *Demand for payment.* Until the PBGC approves the allocation method or modification, a plan may not demand withdrawal liability under section 4219 of the Act in an amount that exceeds the lesser of the amount calculated under the amendment or the amount calculated under the allocation method that the plan would be required to use if the PBGC did not approve the amendment. The plan must inform each withdrawing employer of both amounts and explain that the higher amount may become payable depending on the PBGC's decision on the amendment.

(2) *Adjustment of liability.* When necessary because of the PBGC decision on the amendment, the plan shall adjust the amount demanded from each employer under paragraph (c)(1) of this section and the employer's withdrawal liability payment schedule. The length of the payment schedule shall be increased, as necessary. The plan shall notify each affected employer of the adjusted liability and payment schedule and shall collect the adjusted amount in accordance with the adjusted schedule.

§ 2642.12 Requests for PBGC approval.

(a) *General.* A plan shall submit a request for approval of an alternative allocation method or modification to an allocation method to the PBGC in accordance with the requirements of this section as soon as practicable after the adoption of the amendment.

(b) *Who shall submit.* The plan sponsor, or a duly authorized representative acting on behalf of the plan sponsor, shall sign the request.

(c) *Where to submit.* The plan shall submit the request by first class mail or courier service to the Insurance Operations Department, Control Branch (Code 25420), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, or by hand to Room 5300A at that address.

(d) *Content.* Each request shall contain the following information:

(1) The name, address and telephone number of the plan sponsor, and of the duly authorized representative, if any, of the plan sponsor.

(2) The name of the plan.

(3) The nine-digit Employer Identification Number (EIN) that the Internal Revenue Service assigned to the plan sponsor and the three-digit Plan Identification Number (PIN) that the plan sponsor assigned to the plan, and, if different, also the EIN–PIN that the plan last filed with the PBGC. If the plan

has no EIN–PIN, the request shall so indicate.

(4) The date the amendment was adopted.

(5) A copy of the amendment, setting forth the full text of the alternative allocation method or modification.

(6) The allocation method that the plan currently uses and a copy of the plan amendment (if any) that adopted the method.

(7) A statement certifying that notice of the adoption of the amendment has been given to all employers that have an obligation to contribute under the plan and to all employee organizations that represent employees covered by the plan.

(e) *Additional information.* In addition to the information listed in paragraph (d) of this section, the PBGC may require the plan sponsor to submit any other information that the PBGC determines is necessary for the review of an alternative allocation method or modification to an allocation method.

(Approved by the Office of Management and Budget under control number 1212–0035.)

§ 2642.13 Approval of alternative method.

(a) *General.* The PBGC shall approve an alternative allocation method or modification to an allocation method if the PBGC determines that adoption of the method or modification would not significantly increase the risk of loss to plan participants and beneficiaries or to the PBGC.

(b) *Criteria.* An alternative allocation method or modification to an allocation method satisfies the requirements of paragraph (a) of this section if it meets the following three conditions:

(1) The method or modification allocates a plan's unfunded vested benefits, both for the adoption year and for the five subsequent plan years, to the same extent as any of the statutory allocation methods, or any modification to a statutory allocation method permitted under Subpart B.

(2) The method or modification allocates unfunded vested benefits to each employer on the basis of either the employer's share of contributions to the plan or the unfunded vested benefits attributable to each employer. The method or modification may take into account differences in contribution rates paid by different employers and differences in benefits of different employers' employees.

(3) The method or modification fully reallocates among employers that have not withdrawn from the plan all unfunded vested benefits that the plan sponsor has determined cannot be collected from withdrawn employers, or that are not assessed against withdrawn employers because of sections 4209, 4219(c)(1)(B) or 4225 of the Act.

(c) *PBGC action on request.* The PBGC's decision on a request for approval shall be in writing. If the PBGC disapproves the request, the decision shall state the reasons for the disapproval and shall include a statement of the sponsor's right to request a reconsideration of the decision pursuant to Part 2606 of this chapter.

§ 2642.14 Special rule for certain alternative methods previously approved.

A plan may not apply to any employer withdrawing on or after November 25, 1987, an allocation method approved by the PBGC before that date that allocates to the employer the greater of the amounts of unfunded vested benefits determined under two different allocation rules. Until a plan that has been using such a method is amended to adopt a valid allocation method, its allocation method shall be deemed to be the statutory allocation method that would apply if it had never been amended.

EFFECTIVE DATE: November 25, 1987.

Issued in Washington, DC, this 24th day of September 1987.

William E. Brock,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors approving, and authorizing its chairman to issue, this regulation.

Gary M. Ford,

Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 87–24741 Filed 10–23–87; 8:45 am]

BILLING CODE 7708–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–36145B; FRL–3282–2]

Interim Policy for Sulfiting Agents on Grapes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement; Extension of comment period.

SUMMARY: This document extends to November 9, 1987 the time period in which interested parties may comment on the August 26, 1987 amended policy statement regarding the use of sulfiting agents on grapes. This extension is being granted to give all parties an opportunity to respond more fully to the interim policy.

DATE: The comment period is extended to and includes November 9, 1987

ADDRESSES: Comments should bear the document control number [OPP–36145B] and should be sent in triplicate, if possible, to:

Information Services Section, Program Management and Support Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236, at the Virginia address given above, from 8:30 a.m. to 4 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Walter C. Francis, Disinfectants Branch, Registration Division (TS–767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 711, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–3964).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 26, 1987 (52 FR 32128), EPA issued a document that amended its interim policy for use of sulfiting agents on grapes. That document superseded a previous document which was published in the **Federal Register** of December 31, 1986 (51 FR 47240). The original action was prompted by an announcement by the Food and Drug Administration (FDA) in the **Federal Register** of July 9, 1986, that the use of sulfiting agents as preservatives on raw fruits and vegetables served or sold to consumers was no longer deemed to be generally recognized as safe (GRAS) because some individuals experience severe allergic reactions to sulfite residues on food (51 FR 25021). FDA's action did not affect the use of sulfiting agents as pesticides on grapes, a use that

historically has been treated as if it were GRAS, because the pesticidal use is within EPA's jurisdiction.

In light of FDA's action, EPA decided to adopt certain interim measures to inform and protect sulfite sensitive individuals until a tolerance or some other appropriate clearance could be established. These interim measures—requiring that shippers certify that sulfite-treated grapes will not have detectable sulfite residues—were issued December 31, 1986 (51 FR 47240), and permitted shipment of sulfite-treated grapes for 1 year.

On August 26, 1987 (52 FR 32128), EPA determined that there are two other acceptable measures that are adequate to protect the public health while allowing the marketing of sulfited grapes of domestic or foreign origin. These alternative measures are placarding at the retail level or tagging individual bunches of grapes. Public comment was invited on the interim policy. Comments were due by October 26, 1987.

Recently, the California Grape and Tree Fruit League and the California Table Grape Commission requested that EPA extend the comment period on the interim policy by 14 days to enable these and other groups to more fully discuss the issues and to review data collected from the state certification program.

In order to give all parties an opportunity to respond more fully to the interim policy, EPA is extending the comment period 14 days. The new deadline is November 9, 1987. Comments should be submitted to the address given earlier in this document.

Dated: October 19, 1987.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 87-24793 Filed 10-23-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation Rule and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: On April 13, 1987, the Department of the Interior (DOI) promulgated final rules for the administration of the Reclamation Reform Act of 1982 (RRA) (52 FR 11954), replacing the rules that were published in the **Federal Register** on December 6, 1983 (48 FR 54768). Since the April 13th rules were published, the DOI has determined that several provisions relating to the involuntary acquisition of land require correction or clarification. This rule revises the applicable provisions.

EFFECTIVE DATE: November 25, 1987.

FOR FURTHER INFORMATION CONTACT: Phillip T. Doe, Chief, Acreage Limitation Branch; Bureau of Reclamation; E&R Center, Code D-410; P.O. Box 25007; Denver, CO 80225, (303) 236-8065.

SUPPLEMENTARY INFORMATION:

Rationale for Changes

Sections 426.11(h)(2) and 426.16(a) of the April 13th rules provide that when irrigable or irrigation land is gifted to a landlord, the land is considered to be involuntarily acquired. As such, the land (1) is exempt from the 10-year deed covenant restricting the resale value during that 10-year period to a Secretarially approved price if the land is to retain its eligibility to receive irrigation water and (2) is entitled to receive irrigation water for a grace period of 5 years if it becomes excess in the new ownership. Upon further review of the RRA, the DOI has determined that these provisions exceed the authority of the Secretary.

Regarding the application of a deed covenant requiring Secretarial sale price approval, section 224(e) of the RRA provides that, "Any nonexcess land which is acquired into excess status pursuant to involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, or devise, may be sold at its fair market value without regard to any other provision of this title * * *" Regarding the 5-year grace period for receiving irrigation water, section 216 of the RRA provides that land acquired into excess status is eligible for a temporary water supply if it is acquired by "involuntary foreclosure, or similar involuntary process of law, by bona fide conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), by inheritance, or by devise * * *" It can be seen from these quotations that the term "gift" is never used in the provisions addressing involuntary processes of law. It should be noted that the definition of "devise", as defined in Black's Law Dictionary, is "a testamentary disposition of land or reality; a gift of real property by the last will and testament of the donor." Clearly, "devise" does not include "gifts" other than those made through the testamentary process, and that form of involuntary acquisition is specifically addressed in section 224(e) by use of the term "inheritance."

For these reasons, the term "gift" has been deleted from §§ 426.11(h)(2) and 426.16(a) of the rules. But, as in the April 13th rules, the rules will continue to provide for the 5-year eligibility period and the removal of the deed covenant when land is acquired through involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, and devise.

Comments on the Proposed Rule

The Bureau of Reclamation published a notice of proposed rulemaking on the revisions to the gift provisions in the **Federal Register** on Friday, June 26, 1987. During the public comment period, we received no comments on the proposed rule.

Executive Order 12291

The DOI has determined that the revised rule does not constitute a major rule under Executive Order 12291; therefore, a Regulatory Impact Analysis is not required and has not been prepared.

National Environmental Policy Act (NEPA) Compliance

We have determined that this action meets the criteria for an action categorically excluded from the provisions of NEPA (40 CFR 1508.4) under Departmental Manual part 516 DM 6, Appendix 9, section 9.4.A.1—"Changes in regulations or policy directives and legislative proposals where the impacts are limited to economic and/or social effects."

Small Entity Flexibility Analysis

The revised rule will not have a significant economic effect on a substantial number of small entities. Gifted land will continue to be subject to the deed covenant provisions and if it becomes excess in the new ownership, such land will not be eligible to receive irrigation water for a 5-year grace period. While these factors could affect the resale value of such land and the level of income associated with any irrigated production, the financial status of a landholder will improve, nevertheless, as a result of being a recipient of gifted land.

Paperwork Reduction Act

The revised rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 43 CFR Part 426

Irrigation, Reclamation, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, Title 43, Chapter I, of the Code of Federal Regulations is amended by revising Part 426 to read as follows:

Dated: September 23, 1987.

C. Dale Duvall,

Commissioner, Bureau of Reclamation.

PART 426—RULES AND REGULATIONS FOR PROJECTS GOVERNED BY FEDERAL RECLAMATION LAW

1. The authority citation for Part 426 continues to read as follows:

Authority: Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 552; the Reclamation Reform Act of 1982, Pub. L. 97–293, title II, 96 Stat. 1263; and the Reclamation Act of 1902, as amended and supplemented, 32 Stat. 388 (43 U.S.C. 371 et seq.).

2. Section 426.11 is amended by revising paragraph (h)(2) to read as follows:

§ 426.11 Excess land.

* * * * *

(h) * * *

(2) Involuntarily acquired land. Upon acquisition of land burdened by such a deed convenant through involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortage, real estate contract, or deed of trust), inheritance, or devise, the deed covenant shall be removed by the Secretary at the request of the acquiring party, by a release of equitable servitude or other appropriate legal instrument.

* * * * *

3. Section 426.16 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 426.16 Involuntary acquisition of land.

(a) *Nonexcess land.* Nonexcess land, irrespective of whether it is subject to a 10-year deed covenant requiring Secretarial sale price approval, and which becomes excess because it is acquired through involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, or devise is eligible to receive irrigation water in the new ownership for a period of 5 years. * * *

* * * * *

[FR Doc. 87–24715 Filed 10–23–87; 8:45 am]

BILLING CODE 4310-09-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6766]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the third column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001 through 4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 *et seq.*). Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.** In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment

of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region III—Regular Conversions				
Pennsylvania:				
Modena, Borough of, Chester County	420282	Oct. 10, 1974, Emerg.; Nov. 19, 1987, Reg.; Nov. 19, 1987, Susp.	11-19-87	Nov. 19, 1987.
Pillow, Borough of, Dauphin County	420392	May 13, 1975, Emerg.; Nov. 19, 1987, Reg.; Nov. 19, 1987, Susp.	11-19-87	Do.
Schuylkill Haven, Borough of, Schuylkill County	420787	Oct. 20, 1972, Emerg.; Dec. 1, 1977, Reg.; Nov. 19, 1987, Susp.	11-19-87	Do.
West Vincent, Township of, Chester County	421499	Aug. 11, 1975, Emerg.; Nov. 19, 1987, Reg.; Nov. 19, 1987, Susp.	11-19-87	Do.
West Virginia: Rainelle, Town of, Greenbrier County	540228	Sept. 3, 1975, Emerg.; Nov. 19, 1987, Reg.; Nov. 19, 1987, Susp.	11-19-87	Do.
Region VI				
Texas: Van Buren County, unincorporated areas	050566	Feb. 8, 1983, Emerg.; Aug. 4, 1987, Reg.; Nov. 19, 1987, Susp.	8-4-87	Aug. 4, 1987
Region IX				
Arizona: Cottonwood, Town of, Yavapai County	040096	May 5, 1975, Emerg.; Sept. 16, 1981, Reg.; Nov. 19, 1987, Susp.	11-19-87	Nov. 19, 1987.
Region VIII—Minimal Conversion				
North Dakota: Trenton, Township of, Williams County	380679	Apr. 29, 1976, Emerg.; Nov. 4, 1987, Reg.; Nov. 19, 1987, Susp.	11-19-87	Do.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: October 20, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87-24660 Filed 10-23-87; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-144]

Broadcast Services; Review of Technical Parameters for FM Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: In the Second Report and Order published in the **Federal Register** on October 9, 1987, at 52 FR 37786, there are several errors. These errors are corrected herein.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: B.C. "Jay" Jackson, Jr., Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Review of Technical Parameters for FM Allocation Rules of Part 73, Subpart B, FM Broadcast Stations; Erratum

PART 73—[AMENDED]

In the October 9, 1987 **Federal Register** publication of the summary of the *Second Report and Order* in the above-captioned matter (52 FR 37786), there are several errors. These errors are corrected as follows:

§ 73.208 [Amended]

1. On page 37788, column 1, line 40, § 73.208(c)(2), the last "2" in the mathematical formula should not be an exponent. The formula is corrected to read as follows:

$$ML=(LAT1_{dd}+LAT2_{dd})\div 2$$

§ 73.210 [Amended]

2. On page 37788, column 2, line 55, § 73.210(b)(2), the phrase "except for Puerto Rico and the Virgin Islands" was omitted. That line is corrected to read as follows:

(b) * * *

(2) For a station in Zone I or Zone I-A, except for Puerto Rico and the Virgin Islands:

3. On page 37788, column 3, between lines 3 and 4, § 73.210(b), paragraph (4) was omitted. This omission is corrected by inserting, after line 3, the missing paragraph, which reads as follows:

(b) * * *

(4) For a station in Puerto Rico or the Virgin Islands:

(i) If this distance is less than or equal to 42 km, the station is Class A.

(ii) If this distance is greater than 42 km and less than or equal to 46 km, the station is Class B1.

(iii) If this distance is greater then 46 km and less than or equal to 78 km, the station is Class B.

4. On page 37788, column 3, line 4, the amendatory instruction is misnumbered "3", duplicating the number of the previous instruction. This instruction is corrected to read number "4" and the subsequent instructions, "4" through "7" are corrected by renumbering them "5" through "8".

§ 73.211 [Amended]

5. On page 37788, column 3, line 16, § 73.211(a)(1), a minus sign was omitted. This line is corrected to read "(−10.0 dBk)" instead of "(10.0 dBk)".

6. On page 37789, column 1, line 10, § 73.211(b)(1)(iii), the phrase "Except as provided in paragraph (b)(3) of this section," was omitted. That paragraph is corrected to read as follows:

(b) * * *

(1) * * *

(iii) Except as provided in paragraph (b)(3) of this section, no station will be authorized in Zone I or I-A with an ERP equal to 50 kW and a HAAT exceeding 150 meters. No station will be authorized in Zone II with an ERP equal to 100 kW and a HAAT exceeding 600 meters.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 87-24697 Filed 10-23-87; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 70617-7148]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of adjustment of surf clam fishing time.

SUMMARY: NOAA issues this notice to establish the allowable fishing time for surf clams at 42 hours for the fourth quarter of 1987 for vessels harvesting surf clams in the Mid-Atlantic Area of the exclusive economic zone. This action will provide flexibility to operators in the use of fishing time during the period. The intended effect is to match fishing effort to the available quota for the area.

EFFECTIVE DATES: October 3, 1987, through December 31, 1987. Fishing trips must be scheduled with 10 days' advance written notice.

ADDRESSES: Send request for fishing time to the Surf Clam Coordinator, NMFS, 2 State Fish Pier, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617-281-3600, ext. 273.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries contain at § 652.22(a)(3) a provision allowing the Regional Director to revise allowable fishing time to promote fishing for surf clams throughout the year with a minimum of changes. The Regional Director during the first quarter of 1987 decided, with the unanimous support of the Mid-Atlantic Fishery Management Council, to exercise his authority under § 652.22(a)(3) to allocate fishing time by quarter and allow each operator the maximum flexibility possible to schedule that time to best advantage.

Based on the rate of harvest and utilization of available quota during the third quarter, the Regional Director decided to allocate the fishing time at 42 hours per permitted fishing vessel for the fourth quarter. That time must be scheduled 10 days in advance in seven fishing trips of six hours duration each, which may be taken on any seven separate days during the normal daily and weekly fishing times established in § 652.22(a) (1), (2), and (3) (see **ADDRESSES**).

Other Matters

The action is taken under the authority of 50 CFR Part 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 652

Fisheries, Reporting and recordkeeping requirements.

Dated: October 20, 1987.

James E. Douglas, Jr.,
Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.
[FR Doc. 87-24717 Filed 10-23-87; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 206
Monday, October 26, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 54

[EE-113-82]

Required Distributions From Qualified Plans and Individual Retirement Plans; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the required distributions from qualified plans.

DATES: The public hearing will begin at 10:00 a.m. on Friday, December 4, 1987. Outlines of oral comments must be delivered or mailed by Wednesday, November 18, 1987.

ADDRESSES: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE-113-82), Room 4429, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Angela D. Wilburn of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, telephone (202) 566-3935, (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the Income Tax Regulations (26 CFR Part 1) and to the Pension Excise Taxes Regulations (26 CFR Part 54) under sections 401, 403, 408, and 4974 of the Internal Revenue Code. The proposed regulations appeared in the **Federal Register** for Monday, July 27, 1987 (52 FR 28070).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Wednesday, November 18, 1987, an outline of the oral testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

James J. McGovern,

Director, Employee Plans and Exempt Organization Division.

[FR Doc. 87-24701 Filed 10-23-87; 8:45 am]

BILLING CODE 4830-01-M

31 CFR Part 103

Proposed Amendments to Implementing Regulations; Bank Secrecy Act

AGENCY: Departmental Offices, Treasury.

ACTION: Proposed rule.

SUMMARY: Treasury proposes two amendments to 31 CFR 103.25, which provides for reporting under the Bank Secrecy Act by designated financial institutions of prescribed transactions with foreign financial agencies. First, the Secretary would be able to require the reporting of completed as well as future transactions. Reporting of completed transactions would be limited to information that financial institutions are required by law to maintain, or that they otherwise maintain in the ordinary course of business. Second, the Secretary would be able to direct financial institutions not to inform customers or any other parties of the existence of a reporting requirement imposed under § 103.25.

DATE: Comments must be received on or before December 28, 1987.

ADDRESS: Address written comments to Jonathan J. Rusch, Director, Office of Financial Enforcement, Department of the Treasury, Room 4320, 1500 Pennsylvania Avenue., NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Jonathan J. Rusch, Director, Office of Financial Enforcement, at the address listed above, or at (202) 566-8022.

SUPPLEMENTARY INFORMATION:

Background

On July 8, 1985 (50 FR 27821), the Department of the Treasury published a final rule which added § 103.25 to 31 CFR Part 103, the regulations implementing the Bank Secrecy Act, 31 U.S.C. 5311-5324. Pursuant to the authority set forth in 31 U.S.C. 5314, 31 CFR 103.25 establishes a procedure under which the Secretary may issue a regulation requiring designated financial institutions to report limited numbers of financial transactions with designated foreign finanical agencies. Notice of such reporting requirements may be published in the **Federal Register** or may be served personally upon the affected financial institutions in accordance with 5 U.S.C. 553. The purpose of this limited reporting procedure is to enhance the government's ability to monitor international transactions for tax, regulatory, and law enforcement purposes.

Treasury proposes to amend § 103.25 in two respects. First, § 103.25(e)(3) currently provides that the Secretary may not require a financial institution to report transactions completed before it receives notice of a reporting regulation under § 103.25(a). Treasury has determined that in many cases it would be useful to require reporting on completed transactions. Therefore, Treasury proposes to amend § 103.25(e)(3) to provide that financial institutions may be required to report on completed transactions with foreign financial agencies. However, with respect to completed transactions, the financial institution would be required to provide only information from records that it otherwise is required to maintain

under Subpart C of Part 103 of any other provision of State or Federal law, or otherwise keeps in the normal course of business. Consequently, this extension of § 103.25 reporting to past transactions would impose no new recordkeeping requirement on any financial institution.

Second, Treasury proposes that in cases where the regulation requiring reporting under § 103.25 is not published in the **Federal Register**, Treasury may require a financial institution subject to reporting not to disclose the existence or provisions of the regulation to any party, including the foreign financial agency to which the reporting is related. Notice of the reporting requirement to the foreign financial agency or its customers can seriously impair its usefulness by allowing a person or institution to conceal or change transactions for the duration of the reporting period, thus distorting the information reported under § 103.25. This delay on disclosure is authorized by 31 U.S.C. 5314, which provides that the Secretary may prescribe "other matters * * * necessary to carry out" section 5314 or the regulations thereunder. 31 U.S.C. 5314(b)(5). The Right to Financial Privacy Act of 1978, Pub. L. 95–630 (Nov. 10, 1978), as amended (12 U.S.C. 3401 *et seq.*), does not require that notice of § 103.25 reporting be given to any party. The customer notice provisions of the Right to Financial Privacy Act do not apply to information "required to be reported in accordance with any Federal statute or rule promulgated thereunder." 12 U.S.C. 3413(d).

These amendments are not designed or intended to obtain information for an existing investigation focused on a particular individual or organization. In such cases, there are established information collection procedures that strike a more appropriate balance between the rights due an individual who is involved in a dispute with the government and the legitimate demands of society that its laws be enforced. Examples include search warrants, judicial subpoenas, administrative subpoenas and summonses, and the formal written request created by the Right to Financial Privacy Act. Accordingly, the existing restriction in § 103.25 prohibiting the use of reporting requirements in such circumstances shall also restrict these proposed amendments. However, information reported under these amendments will be treated the same as any other information collected under the Bank Secrecy Act, and may serve as the basis for initiating an investigation.

Executive Order 12291

This proposed rule is not a major rule for purposes of Executive Order 12291. It is not anticipated to have an annual effect on the economy of $100 million or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions. It will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. A Regulatory Impact Analysis therefore is not required.

Regulatory Flexibility Analysis

It is hereby certified pursuant to 5 U.S.C. 603 and 604 that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The collection of information requirements contained in this Notice of Proposed Rulemaking have been submitted to the Office of Management and Budget pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Comments on these requirements should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Office of the Secretary, Department of the Treasury. Copies of such comments should also be submitted to the Department at the address previously specified.

Comments

Treasury requests comments for all interested persons concerning the proposed amendments. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action. The Treasury Department will not recognize as confidential any material or comments, including the name of any person submitting comments. Any material not intended to be disclosed should not be included in the comments. All comments submitted will be available for public inspection during regular business hours at the Treasury Department Library, Room 5030, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Drafting Information

The principal author of this document is the Office of the Assistant General Counsel (Enforcement), Department of the Treasury.

List of Subjects in 31 CFR Part 103

Authority delegations (Government agencies), Banks and banking, Currency, foreign banking, Investigations, Law enforcement, Reporting and recordkeeping requirements, Taxes.

Amendment

It is proposed to amend 31 CFR Part 103 as set forth below:

PART 103—[AMENDED]

1. The authority citation for Part 103 continues to read as follows:

Authority: Sec. 21 of the Federal Deposit Insurance Act, Pub. L. 91–508, Title I, 84 Stat. 1114, 1116 (12 U.S.C. 1829b, 1951–9); and the Currency and Foreign Transactions Reporting Act, Pub. L. 91–508, Title II, 84 Stat. 1118, as amended (31 U.S.C. 5311–5324).

2. It is proposed to amend § 103.25(a) by adding a sentence at the end to read as follows:

§ 103.25 Reports of transactions with foreign financial agencies.

(a) * * * If a financial institution is given notice of a reporting requirement under this section by means other than publication in the **Federal Register**, the Secretary may prohibit disclosure of the existence or provisions of that reporting requirement to the designated foreign financial agency or agencies and to any other party.

* * * * *

3. It is proposed to revise § 103.25(e)(3) to read as follows:

* * * * *

(e) * * *

(3) The Secretary may issue a regulation pursuant to paragraph (a) of this section requiring a financial institution to report transactions completed prior to the date it received notice of the reporting requirement. However, with respect to completed transactions, a financial institution may be required to provide information only from records required to be maintained pursuant to Subpart C of this Part, or any other provision of state or federal law, or otherwise maintained in the regular course of business

* * * * *

Dated: September 25, 1987.

Francis A. Keating, II,

Assistant Secretary (Enforcement).

[FR Doc. 87-24740 Filed 10-23-87; 8:45 am]

BILING CODE 4810-25-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1256

Statistical Research in Archival Records Containing Personal Information

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule establishes procedures for granting access to persons doing biomedical research who wish to perform statistical or quantitative research using records in the National Archives of the United States that contain information of a highly personal nature.

DATE: Comments must be received by November 25, 1987.

ADDRESS: Comments should be sent to Director, Program Policy and Evaluation Division, National Archives and Records Administration (NAA), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at, 202-523-3214 (FTS 523-3214).

SUPPLEMENTARY INFORMATION: The use of some records transferred to the National Archives of the United States, especially those of recent date, is subject to restrictions prescribed by statute or Executive Order, or imposed by the Archivist of the United States. The Archivist has, in 36 CFR 1256.16, imposed restrictions on the use of records containing information about a living person which reveal details of a highly personal nature when: (1) The personal information contained in the records is not known to have been previously made public and (2) the records relate to events less that 75 years old.

The restriction in 36 CFR 1256.16 allows disclosure under limited conditions of this type of record for the purpose of statistical or quantitative research. However, restricted census and survey records of the Bureau of the Census which are less than 72 years old and which contain data identifying individual enumerated in the population censuses are not eligible for disclosure under this provision.

Access to restricted records under the provisions of 36 CFR 1256.16 has been granted very sparingly. For the most part, NARA's obligation to protect individual privacy rights outweighs the desire of researchers to conduct statistical or quantitative research in these records. In some instances, the records can be stripped of personal identifiers and can be made available to researchers without revealing any confidential information. In other instances, it may be physically impossible to delete the confidential information. NARA must then balance the protection of individual privacy interests against the potential value of the research product if access is granted. The current restriction recognizes that the sensitivity of highly personal information about individuals diminishes with time. Accordingly, the more recent the information, the more sensitive it is likely to be to those individuals identified in the records.

We have thoroughly evaluated the National Archives' policy on access to records containing information about a living person which reveal details of a highly personal nature and have decided that the current policy should be altered. We have concluded that access to these records can be justified only when the likely outcome of the research will benefit society in a significant way. Therefore, we have determined that access to such records should be limited to persons who are conducting biomedical statistical research, e.g., epidemological or genetic studies.

This proposed rule establishes procedures for those doing biomedical research to request permission to use records restricted only for reasons of personal privacy and for NARA to evaluate their requests. If NARA is able to make available copies of the records in which all personal identifiers have been masked or deleted, NARA will do so without requiring compliance with the conditions of access outlined in this rule. However, if NARA is not able to mask or delete all personal identifiers from the records to permit routine research use of the records, evaluation of requests to use such records containing personal identifiers will consider such factors as whether the administrative, technical and physical safeguards proposed by the researcher to prevent unauthorized disclosure of the records are adequate; whether the researcher's methodology will permit the researcher to publish the research results without revealing personally identifying information; and whether NARA has resources available to accomodate the research project.

The researcher must provide written assurance that he or she will abide by the conditions that NARA places on the use of records restricted for reasons of personal privacy. The conditions that NARA imposes on the use of these records will depend on how the records are used in an approved research project. For some research projects, the researcher will be able to use the records at NARA facilities under NARA supervision and will not need to include personally identifiable information in the research notes. In such cases, NARA will impose fewer conditions on access; e.g., records will be used only for the purpose of the described research proposal; persons who are identified in the records will not be contacted by or on behalf of the researcher; and NARA must review the research notes before they are removed from the NARA facility to ensure that the notes do not include personally identifiable information.

For projects where the researcher will need to manipulate data containing personal identifiers and seeks to remove copies of the records or notes containing personally identifying information to another research site, additional conditions of access will apply. For such projects, the conditions include: (1) The records will be used only for the purpose of the approved research proposal; (2) the researcher will not transfer the data or a copy of the data to any person or institution not directly involved with the research project; (3) the researcher will not reveal to any unauthorized person any information obtained from the records which identifies any individual or which permits the identification of any individual; (4) persons who are identified on the records will not be contacted by or on behalf of the researcher; (5) any individually identifiable information in the researcher's notes or in authorized copies of the records will be rendered anonymous by the researcher at the earliest possible time consistent with the purpose of the research project; (6) upon completion of the research project, any data which contains information on individuals (either by name or identifying particulars) must be returned to NARA or destroyed; and (7) prior to publication or public presentation of the research findings, the researcher will send NARA a free copy of the publication or presentation for review to ensure that there is no possible identification of individuals. Additional conditions may be placed on the use of specific records or on specific projects.

The researcher must also obtain and provide to NARA written assurance from all persons associated with the research project that they will abide by

the conditions that NARA places on the use of the records. For projects where the records are on magnetic tape or where ADP is used to manipulate data elements containing personal identifiers, the researcher must also obtain the written assurance of the manager of the ADP facility that its ADP personnel will follow the conditions of use imposed by NARA.

If NARA discovers that a researcher has violated any condition of use, NARA will take steps to revoke research privileges at all NARA facilities and will attempt to prevent any further disclosure of the personal information. NARA will also inform the sponsoring institution of the research project, any organization which provided grant funds for the project, appropriate professional organizations, and persons serving as references for the researcher of the researcher's failure to follow the conditions of use.

NARA presently receives about five requests per year that would be covered by this proposed rule. NARA does not expect the number of such requests to increase with the implementation of these procedures. The collection of information requirements contained in this proposed rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act. Comments may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NARA, Washington, DC 20503.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subject in 36 CFR Part 1256

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend Part 1256 as follows:

PART 1256—[AMENDED]

1. The authority citation for Part 1256 continues to read as follows:

Authority: 44 U.S.C. 2108.

2. Section 1256.4 is added to read as follows:

§ 1256.4 Access to records containing personal information.

(a) *NARA policy.* Access to archival records containing information access to which would invade the privacy of an individual is restricted by § 1256.16.

(1) NARA may authorize access to such records for the purpose of statistical or quantitative research to qualified persons doing biomedical research under the conditions outlined in this section.

(2) If NARA is able to make a copy of such records with all personal identifiers masked or deleted, NARA will make such a "sanitized" copy of the record available to all researchers in accordance with Part 1254 of this Chapter.

(3) NARA will not grant access to restricted census and survey records of the Bureau of the Census less than 72 years old containing data identifying individuals enumerated in population censuses in accordance with 44 U.S.C. 2108(b).

(b) *Request for access.* Researchers who wish to have access to records the use of which is restricted by § 1256.16 to conduct biomedical research must submit a written request to the Assistant Archivist for the National Archives (NN), National Archives and Records Administration, Washington, DC 20408. Researchers are encouraged to informally consult NARA prior to submitting the formal request. The request must include the following information:

(1) Name and mailing address;

(2) Institutional affiliation and position, if applicable;

(3) List of published research;

(4) References from two persons who have first-hand knowledge of the requester's qualifications to perform the research;

(5) A statement of the nature of the research to be conducted and any plans for publication or presentation of the research findings;

(6) A listing of all sources of grants funds supporting the research project or its publication;

(7) A statement of the methodolgy to be used;

(8) A statement of the administrative, technical, and physical safeguards to be employed by the researcher to prevent unauthorized use or disclosure of the records;

(9) A listing of the record groups and series titles to be used; and

(10) A statement that the researcher will abide by the conditions of access to be prescribed by NARA and that the researcher will assume responsibility for the actions of all persons working with the researcher on the project.

(c) *Access Review Committee.* Requests made under paragraph (b) of this section will be reviewed by the Access Review Committee, which is composed of the Deputy Archivist of the United States, the Assistant Archivist for the National Archives, and the director(s) of the NARA division(s) which has custody of the requested records. The Committee may consult other persons within and outside the Federal Government who are knowledgeable in the research field for assistance in evaluating a request.

(1) The Committee will examine the request to determine:

(i) Whether the requested information is of such a highly sensitive personal nature that disclosure should not be permitted even for biomedical statistical or quantitative research;

(ii) Whether the methodology proposed by the requester will permit the researcher to obtain the projected research results without revealing personally identifying information;

(iii) Whether the research results will be published or presented at an academic or research conference;

(iv) Whether the requester is a *bona-fide* biomedical research and has previous experience in conducting statistical research projects and publishing articles or books on such research;

(v) Whether the safeguards proposed by the requester will adequately protect the personal information; and

(vi) Whether NARA has sufficient staff and space available to safeguard privacy interests necessary to accomodate the research project.

(2) The decision of the Committee will be made in writing to the requester within 15 workdays after receipt of a completed request. At the discretion of the Committee, the researcher may meet with the Committee to discuss the project or to discuss revising the research proposal to meet possible objections of the Committee.

(d) *Conditions of access.* Researchers who are granted access to restricted records, all others associated with the research project who will have access to personally identifiable information from the records, and the manager of any ADP facility handling the records or data elements containing personal identifiers shall agree in writing to maintain the confidentiality of the information and to adhere to the conditions of access imposed by NARA. NARA may impose some or all of the following conditions of access on any project; additional conditions may be imposed on the use of specific records or on specific projects:

(1) The records may be used only for the purpose of the statistical research and for the statistical reporting of research findings as described in the approved research project. The records may not be used for additional research projects without NARA approval;

(2) The records and copies of any data elements which permit the identification of an individual or which can be identified with an individual may not be transferred to any person or institution not directly involved with the approved research project;

(3) Reasonable administrative, technical, and physical safeguards, as approved by NARA, to prevent unauthorized use or disclosure of the records shall be established by the researcher and followed by all persons associated with the research project;

(4) When required by NARA, the records shall be consulted at the NARA facility where the records are located;

(5) Any individually identifiable information in the researcher's notes or in authorized copies of the records shall be rendered anonymous by the researcher at the earliest possible time consistent with the purpose of the research project;

(6) Persons who are identified in the records may not be contacted by or on behalf of the researcher;

(7) Prior to publication or public presentation of the data, the final research product(s) shall be provided to the Assistant Archivist for the National Archives for review. NARA's review shall be limited to ensuring that there is no possible identification of individuals in the research findings. NARA will not evaluate the validity of the research findings;

(8) All research notes containing personally identifiable information from privacy-restricted records and/or copies of such records shall, upon completion of the project, be destroyed or returned to NARA, whichever condition NARA has imposed as a condition of access. If the notes and/or copies are destroyed, the researcher shall verify in writing to the Assistant Archivist for the National Archives that the research notes and/or copies have been destroyed.

(e) *Noncompliance with conditions of access.* If NARA discovers that a researcher has violated any of the conditions of access imposed on an approved research project, NARA shall take steps to revoke the NARA research privileges of that person and shall consult with the NARA legal counsel to determine any other steps to be taken to prevent any further disclosure of the personal information concerned. NARA may also inform the following persons and organizations of the researcher's failure to follow the conditions of use:

(1) The institution with which the researcher is affiliated, if applicable;

(2) Persons who served as references in the application for access;

(3) Organizations which provided grant funds for the project;

(4) The sponsor of the publication or public presentation; and/or

(5) Appropriate professional organizations.

Dated: September 29, 1987.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 87-24683 Filed 10-23-87; 8:45]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 350

[OGC-00074; FRL-3282-1]

Superfund Program; Trade Secret Claims; Disclosure to Health Professionals; Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Notice of public meetings.

SUMMARY: The EPA has scheduled five public meetings to receive comment on the proposed rule for implementing sections 322 and 323 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

DATES: The public meetings are scheduled as follows:

1. November 10, 1987, 10:00 a.m. to 4:00 p.m., Washington, DC
2. November 17, 1987, 10:00 a.m. to 4:00 p.m., Boston, MA
3. November 24, 1987, 10:00 a.m. to 4:00 p.m., San Francisco, CA
4. December 1, 1987, 10:00 a.m. to 4:00 p.m., Chicago, IL
5. December 8, 1987, 10:00 a.m. to 4:00 p.m., Dallas, TX

ADDRESSES: The public meetings will be held at the following locations:

1. Washington, DC—Skyline Inn, South Capitol and I Streets, SW., Washington, DC 20024. (Call (202) 554-1404 to reserve a time for oral presentation.)
2. Boston, MA—Thomas P. O'Neill Junior Federal Building, 10 Causeway Street, 1st Floor Auditorium, Boston, MA 02114. (Call Ann Walsh at (617) 565-3231 to reserve a time for oral presentation.)
3. San Francisco, CA—Federal Emergency Management Agency, Building 105, Corner of Montgomery Street and Lincoln Boulevard, Presidio of San Francisco, 3rd Floor Conference Room, San Francisco, CA 94129. (Call 1-800-321-3075 to reserve a time for oral presentation.) If you reach the answering service, please leave your name, telephone number, and address.
4. Chicago, IL—230 South Dearborn, Room No. 1680, Lakeview Room, Chicago, IL 60604. (Call (312) 353-2072 to reserve a time for oral presentation.)
5. Dallas, TX—Fairmont Hotel, Ross and Akard Streets, Parisian Room, Dallas, TX 75202. (Call (214) 655-7244 to reserve a time for oral presentation.)

FOR FURTHER INFORMATION CONTACT:

Beverly Horn, Office of the General Counsel (LE-132G), 401 M St. SW., Washington, DC 20460 or

The Chemical Emergency Preparedness (CEPP) Hotline at 1-800-535-0202 (in Washington DC (202) 479-2449) or the Office of Toxic Substances Hotline at (202) 554-1404.

SUPPLEMENTARY INFORMATION: On October 15, 1987, EPA published in the **Federal Register** (52 FR 38312) a proposed rule to implement Sections 322 and 323 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Title III is also known as the Emergency Planning & Community Right-to-Know Act of 1986.

The proposed rule is a companion to other EPA Title III regulations which contain provisions requiring facilities to report to State and local authorities, and EPA, the presence, use and release of extremely hazardous substances (described in sections 302 and 304), and hazardously and toxic chemicals (described in sections 311, 312, and 313). For the reporting required in sections 303(d)(2) and (d)(3), 311, 312 and 313, a submitter may claim the chemical reported as trade secret.

The regulations under section 322 provide procedures for making trade secrecy claims for information submitted under sections 303, 311, 312 and 313 of SARA, as well as procedures for handling petitions from the public requesting disclosure of information claimed as trade secret. The regulations under section 323 provide procedures for disclosure of trade secret information directly to health professionals for certain treatment, diagnosis, or research purposes. EPA has also proposed a substantiation form to accompany claims of trade secrecy under Title III. The Small Business Administration has indicated that it plans to comment on the requirement set forth in the proposed rule whereby facility owners and operators must submit separate substantiations with their trade secret claims under different sections of Title III.

EPA is holding meetings in Washington, DC, Boston, MA., San

Francisco, CA., Chicago, IL., and Dallas, TX. to explain the proposed rule and to receive comment on it.

EPA encourages anyone interested in attending these public meetings to obtain a copy of the proposed rule. Contact the CEPP Hotline or the Office of Toxic Substances Hotline at the telephone numbers listed under "**FOR FURTHER INFORMATION CONTACT**".

Persons desiring to present oral comments at any of these meetings are urged to contact the telephone number associated with each meeting as listed under "**ADDRESSES**" as soon as possible. Time slots of approximately 10 minutes each for such oral presentations will be allocated on a first come, first served basis. Written comments will also be welcome at these meetings.

Date: October 21, 1987.

Francis S. Blake,

General Counsel.

[FR Doc. 87-24694 Filed 10-23-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 413 and 447

[BERC-311-P]

Medicare and Medicaid Programs; Revaluation of Assets

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement changes to our current regulations that are affected by section 2314 of the Deficit, Reduction Act of 1984 (Pub. L. 98-369), enacted on July 18, 1984 and sections 9110 and 9509 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272), enacted on April 7, 1986. Those provisions amended sections 1861(v)(1)(0) and 1902(a)(13) of the Social Security Act. Under this rule, we would describe new limitations on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes would affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program. We intend the changes to promote economy in the Medicare and Medicaid programs.

DATE: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5:00 p.m. on December 28, 1987.

ADDRESS: Mail comments to the following address:

Health Care Financing Administration, Department of Health and Human Services, Attention: BERC 311-P, P.O. Box 26676, Baltimore, Maryland 21207

If you prefer, you may deliver your comments to one of the following addresses:

Room 309 G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC.; or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BERC-311-P.

Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202-245-7890).

FOR FURTHER INFORMATION CONTACT:

Bruce Oliver, (302) 597-1869, Medicare Provisions,

or

Tzvi Hefter, (301) 597-1808, Medicaid Provisions.

SUPPLEMENTARY INFORMATION:

I. Background

A. Deficit Reduction Act of 1984

Section 2314 of the Deficit Reduction Act of 1984 (Pub. L. 98-369), enacted on July 18, 1984, amended sections 1861(v)(1) and 1902(a)(13) of the Social Security Act (the Act) by adding new provisions applicable to hospitals, skilled nursing facilities (SNFs), intermediate care facilities (ICFs), and intermediate care facilities for the mentally retarded (ICFs/MR) that undergo a change of ownership on or after July 18, 1984.

Section 1861(v)(1) of the Act was amended by the addition of a new subparagraph (O), which provides for the following:

- In establishing an appropriate allowance under Medicare for reimbursement of providers for depreciation expense, interest on capital indebtedness, and (if applicable) a return on equity capital for an asset of a hospital or SNF that undergoes a change of ownership, the value of the asset after the change of ownership is the lesser of the allowable acquisition cost of the asset to the owner of record as of July 18, 1984 (or, in the case of an asset not in existence as of July 18, 1984, the first owner of record after that date), or the acquisition cost of the asset to the new owner.
- Recapture of depreciation in the manner as provided in regulations in effect on June 1, 1984.
- The costs (for example, legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies) attributable to the negotiation and settlement of the sale or purchase of any capital asset (by acquisition or merger) for which payment has previously been made by the Medicare program may not be recognized as reasonable cost in the provision of health care services.

The amendment to section 1902(a)(13) of the Act requires that a State must provide assurances satisfactory to the Secretary that the payment methodology utilized by the State for payments to hospitals, SNFs, ICFs and ICFs/MR can reasonably be expected not to increase these payments, solely as a result of a change of ownership, in excess of the increase that would result from the application of the Medicare requirements of section 1861(v)(1)(O) of the Act.

B. Consolidated Omnibus Budget Reconciliation Act of 1985

Section 9110 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272), enacted on April 7, 1986, amended section 1861(v)(1)(O) of the Act by adding a new provision applicable to changes in ownership of State hospitals to nonprofit corporations without monetary consideration. This new provision provides that in the case of a transfer of ownership of a State hospital to a nonprofit corporation for which there was no monetary consideration, the basis of the assets to the new owner (the nonprofit corporation) that is to be used for the purpose of computing capital allowances is the book value of the assets as shown on the State s books at the time of the transfer.

Section 9509 of Pub. L. 99-272 amended section 1902(a)(13) of the Act by adding a new subparagraph (C). The new subparagraph reguires a State to provide assurances satisfactory to the Secretary that the valuation of capital assets for purposes of determining payment rates for SNFs, ICFs and ICFs/MR will not be increased beyond certain levels. The valuation of the asset may not increase (as measured from the date of acquisition by the seller to the date of

the change of ownership), solely as a result of a change of ownership, by more than the lesser of—

- One-half of the percentage increase (as measured over the same period of time specified above, or if necessary, as extrapolated retrospectively by the Secretary) in the Dodge construction index applied in the aggregate with respect to those facilities that have undergone a change of ownership during the Federal fiscal year; or
- One half of the percentage increase (as measured using the same period of time stated above) in the Consumer Price Index for All Urban Consumers (United States city average) applied in the aggregate to those facilities that have undergone a change of ownership.

Section 1902(a)(13)(C) of the Act is intended to impose a statutory ceiling on the revaluation of assets as the result of a change in ownership. This section does not set any specific payment level for capital costs. States are free to continue to apply payment rates and standards that are consistent with the more stringent payment ceiling imposed by section 1902(a)(13)(B) of the Act. States may also require the recapture of depreciation, as is authorized by the reference to section 1861(v)(1)(o) of the Act in section 1902(a)(13)(B).of the Act, in order to assure that the Medicaid program pays for an asset only once.

Both Pub. L. 98–369 and Pub. L. 99–272 impose specific effective dates for the provisions contained in sections 2314, 9110 and 9509, which we discuss in section IV.A of this preamble. In the discussion that follows, we describe our policies concerning patient-care-related capital costs prior to the enactment of Pub. L. 98–369 and Pub. L. 99–272 and the changes to the regulations that we are proposing in order to implement the new provisions. We.are also proposing several chances that are program initiatives and are not directly related to the legislation.

C. Medicare

1. General Information

Under the Medicare principles of reimbursement, patient-care-related capital costs of providers are reimbursed on a reasonable cost basis. The Medicare prospective payment system for inpatient hospital services currently treats patient-care-related capital costs as an "additional payment amount." Regulations at 42 CFR 412.2(d)(1) explain that patient-care-related capital costs are not reimbursed under the prospective payment system. Under that system, hospitals are paid for patient-care-related capital costs on a reasonable cost basis.

Section 1861(v)(1)(A) of the Act (42 U.S.C. 1395x(v)(1)(A)) defines reasonable cost as the cost actually incurred, excluding any cost unnecessary in the efficient delivery of needed health services. The law directs that reasonable cost be determined in accordance with regulations establishing the items to be included. The types of costs that are taken into account in determining a provider s reasonable cost of health care services are referred to in our provider reimbursement regulations which were recently redesignated on September 30, 1986 (51 FR 34790) to a new 42 CFR Part 413 (formerly Subpart D of 42 CFR Part 405), as being "allowable".

Allowable costs are categories of costs that have been determined to be necessary and proper in the provision of health care services, as well as individual cost items within those categories. Included in allowable costs are patient-care-related capital costs such as depreciation, interest on capital indebtedness, and rental expenses. Also, a reasonable return on equity capital is paid as an allowance in addition to allowable cost for certain proprietary providers.

2. Policy Prior to Enactment of Pub. L. 98–369 and Pub. L. 99–272

a. *Cost basis of a purchased asset.* In the section of our regulations that governs allowances for depreciation based on asset costs, we define the historical cost of a purchased asset as the cost incurred by the present owner in acquiring the asset (§ 413.134(b)(1)). However, the definition of reasonable cost contained in § 413.9, which deals generally with costs related to patient care, implicitly limits the historical cost of an asset to its fair market value. In addition, § 413.134(b)(1) provided that for depreciable assets acquired after July 31, 1970, the historical cost may not exceed the lower of current reproduction cost, adjusted for straight line depreciation over the life of the asset to the time of purchase, or fair market value at the time of purchase.

The cost basis of a facility purchased as an ongoing operation is defined in § 413.134(g). This section provides that for depreciable assets acquired after July 1, 1966 and before August 1, 1970, the cost basis is the lower of the purchase price of an asset or its fair market value. For depreciable assets acquired after July 31, 1970, the cost basis was the lowest of the purchase price, fair market value, or the current reproduction cost depreciated on a straight-line basis over the life of the asset to the time of sale.

b. *Cost basis of a donated asset.* Section 413.134(a)(2) sets forth a general rule that the depreciable basis of a donated asset is the fair market value of the asset at the time of the donation. In § 413.134(i) we provide a special rule that governs assets that have been used or depreciated under the Medicare program and are donated to a provider. Section 413.134(i) provides that the depreciable basis for these used donated assets is the lesser of the fair market value at the time of the donation or the net book value of the asset in the hands of the owner last participating in the Medicare program. Net book value of an asset is defined as the depreciable basis used under the Medicare program by the asset's last participating owner less depreciation recognized by the Medicare program. Although we do not define the term "donation" in our regulations, § 104.15 of the Provider Reimbursement Manual (HCFA Pub. 15–1) states that an asset is considered donated when the provider acquires the asset without making any payment for it in the form of cash, property or services. This section of the Provider Reimbursement Manual specifies that when a provider makes any payment in acquiring an asset, then the payment, and not the fair market value of the asset, is considered to be the historical cost of the asset for depreciation purposes.

c. *Costs attributable to the sale or purchase of an asset.* Our policy with respect to the costs (that is, legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (including mergers and consolidations) was, generally, to include these costs to the extent they are reasonable as part of the historical cost of the depreciable asset in accordance with § 413.134(b)(1), as explained above. The inclusion of these costs in the historical cost basis of a depreciable asset allows them to be reimbursed over the useful life of an asset. There was no limitation (other than the reasonable cost limitation) as to the reimbursement of these costs generated by sales or purchases of assets subsequent to the initial purchase.

d. *Depreciation.* Depreciation of assets (other than land) used to provide patient care is an allowable capital cost. Land is never depreciable nor amortizable (even, for example, if title to the land passes to another entity at some determinable future time) because land is viewed as a permanent asset, not subject to physical wear and tear.

technological obsolescence, etc. Our policy governing depreciation is described in § 413.134. In general, with respect to the methods of depreciation, our current rules essentially limit providers to using straight-line depreciation for assets acquired on or after August 1, 1970. In limited situations, an exception is permitted that allows providers to use accelerated depreciation, not to exceed 150 percent of the straight-line rate. With respect to useful lives of assets, current useful life guidelines make no distinction between new and used assets. A purchaser of a used asset must assume a useful life as permitted by current guidelines for new assets, but is permitted to reduce the useful life, when justified to the intermediary, based on currently accepted factors that affect the establishment of a shorter useful life (for example, physical wear and tear, and technological obsolescence).

e. *Adjustment for gain or loss on disposition of an asset.* Section 413.134(f) governs the adjustment for gain or loss on disposal of an asset. Although the specific mechanics for adjusting for gains and losses vary depending upon the method of asset disposal and the magnitude of the gain or loss, the general rule is that the amount of the gain adjustment is limited to the amount of depreciation previously included in Medicare allowable costs, and the amount of loss adjustment is limited to the undepreciated basis of the asset permitted under the Medicare program. Section 413.134(f)(4) provides that gains or losses realized from the exchange or trade-in of depreciable assets are not included in the determination of allowable costs. In section 132.A.2 of the Provider Reimbursement Manual, we state that gains or losses realized from the donation of assets are not included in the determination of allowable costs.

In addition, we note that our policy has been and, continues to be, that there is no retroactive effect on a proprietary provider's equity capital for the years prior to the disposition as the result of a gain or loss on the disposal of depreciable assets. This policy is found in section 130 of the Provider Reimbursement Manual.

f. *Sale and leaseback transactions.* Section 413.130(b)(2) governs sale and leaseback transactions by setting forth three criteria aimed at assuring the reasonableness of rental/lease costs. These criteria are as follows:

- The rental charges must be reasonable, based on consideration of rental charges of comparable facilities and market conditions in the area; the type, expected life, condition and value of the facilities or equipment rented; and other provisions of the rental agreement;
- Adequate alternate facilities or equipment that would serve the purpose are not or were not available at lower cost; and
- The leasing was based on economic and technical considerations.

If these criteria are met, the rental/lease costs are allowable for reimbursement. If these criteria are not met, then under § 413.130(b)(3) the allowable rental/lease costs may not exceed the ownership costs that a provider would have incurred had it retained legal title to the asset. Section 110A of the Provider Reimbursement Manual expresses the same rules.

g. *Lease purchase transactions.* Section 413.130(b) (4) and (5) governs lease purchase transactions. Section 413.130(b)(4) sets forth three criteria that, if met, generally establish that a lease is a virtual purchase. These criteria are as follows:

- The rental charge exceeds rental charges of comparable facilities or equipment in the area.
- The term of the lease is less than the useful life of the facilities or equipment.
- The provider has the option to renew the lease at a significantly reduced rental, or the provider has the right to purchase the facilities or equipment at a price that appears to be significantly less than what the fair market value of the facilities or equipment would be at the time acquisition by the provider is permitted.

Section 413.130(b)(5) details the treatment of the costs incurred under a lease purchase transaction and provides that the allowable rental costs incurred under a lease purchase transaction may not exceed the amount that the provider would have included in allowable cost if it had legal title to the asset. The difference between the rent paid and the amount of rent allowed is considered a deferred charge and is capitalized as part of the historical cost of the asset at the time the asset is purchased. Section 110B of the Provider Reimbursement Manual expresses the same rules.

h. *Interest expense.* Section 413.153 provides that necessary and proper interest expense on both current and capital indebtedness is an allowable cost. Necessary interest is defined in § 413.153(b)(2). This section requires that, to be considered necessary, the interest expense must (1) be incurred on a loan made to satisfy a financial need of the provider, (2) be incurred on a loan made for a purpose reasonably related to patient care; and (3) be reduced by investment income, except for a few special circumstances specifically described in § 413.153(b)(2)(iii).

Section 413.153(b)(3) defines proper interest. To be proper, interest must be (1) incurred at a rate not in excess of what a prudent borrower would have had to pay in the money market existing at the time the loan was made; and (2) paid to a lender not related through control or ownership or personal relationship to the borrowing orqanization. Types of loans not reasonably related to patient care are specifically described in § 413.153(d)(1).

i. *Return on equity capital for proprietary providers.* A reasonable return on equity capital invested and used in the provision of patient care is paid as an allowance in addition to the reasonable cost of covered services furnished to beneficiaries by proprietary providers. Section 413.157, as amended by a final rule published in the **Federal Register** on June 4, 1987 (52 FR 21216) and as subsequently corrected on June 19, 1987 (52 FR 23397) and July 13, 1987 (52 FR 26152) describes in detail the computation of the allowable amount. Generally, § 413.157(c)(1)(i) states that a provider's equity capital means, in part, the provider's investment in plant, property and equipment that is related to patient care (net of depreciation and net of noncurrent debt related to the investment). Included also are fund deposits required to be made by the terms of a lease under which a provider leases plant, property, or equipment related to patient care. The fund deposits are included at net value, that is, net of noncurrent debt related to the deposits. Limitations on the historical cost of certain asset acquisitions (and related noncurrent debt) that are recognized for purposes of the computation of equity capital are described in § 413.157(c) (2) and (3). For a further explanation of our policies concerninq equity capital please refer to the June 4, 1987 final rule as cited above.

3. Effect of Section 1861(v)(1)(O) of the Act on Existing Regulations

Section 1861(v)(1)(O) of the Act (hereinafter referred to as section 1861(v)(1)(O)) changes the limitation on historical cost for purposes of establishing an appropriate allowance under Medicare for depreciation, interest on capital indebtedness, and (if applicable) a return on equity capital for a hospital or SNF that changes ownership on or after July 18, 1984. As noted above, historical cost had been limited to the lowest of (1) the purchase price, (2) the fair market value, or (3) depreciated reproduction cost. Section 1861(v)(1)(O) changes this limitation to

the lower of (1) the allowable acquisition cost of the asset to the owner of record as of July 18, 1984, or (2) the acquisition cost of the asset to the new owner. In the case of an asset not in existence on July 18, 1984, the historical cost limitation is the allowable acquisition cost to the first owner of record after July 18, 1984. Although the fair market value of an asset was not described in the language of section 2314 of Pub. L. 98–369, we believe that, if Medicare pays more than the fair market value for an asset, such payment would violate the general reasonable cost principle expressed in section 1861(v)(1)(A) of the Act. Therefore, in those instances when the fair market value of an asset is less than both the allowable acquisition cost of the asset to the owner of record as of July 18, 1984, and the acquisition cost of the asset to the new owner, we would apply the regulations contained in §§ 413.134(g)(4) and 413.9 to limit the historical cost of the asset to the new owner to the fair market value for purposes of establishing an appropriate allowance under Medicare for depreciation, interest on capital indebtedness, and (if applicable) a return on equity capital.

Payment for costs attributable to the negotiation and settlement of the sale or purchase of an asset for which any payment has previously been made under Medicare is prohibited under section 1861(v)(1)(O)(iii). These costs include, but are not limited to, appraisal costs, legal fees, accounting and administrative costs, travel costs and the costs of feasibility studies. Prior to enactment of Pub. L. 98–369, these costs, to the extent reasonable, were allowable not only on an initial sale or purchase of an asset under Medicare, but on all subsequent sales or purchases as well.

The conference committee report on Pub. L. 98–369 (H. R. Rep. 98–861, 98th Cong., 2d. Sess. 1339 (1984)) states that it is the intent of Congress that we take into account the limitation on the revaluation of assets, imposed by section 1861(v)(1)(O), in determining the reasonableness of lease or rental costs involving a depreciable asset that has undergone a change in ownership. Congress reasoned that without extending the revaluation limit of section 1861(v)(1)(O) to lease or rental costs of facilities that have undergone a change in ownership, hospitals and SNFs could circumvent the provisions of section 1861(v)(1)(O) through the use of certain sale/leaseback or sale/rental agreements. Therefore, in order to meet the intent of Congress in enacting section 1861(v)(1)(O), we are proposing to change our regulations relating to sale and leaseback transactions and lease purchase transactions by hospitals and SNFs.

Regarding sale and leaseback transactions, we are proposing that reimbursement of rental or lease payments for all sale and leaseback transactions by hospitals and SNFs would be limited to the costs of ownership (for example, straight-line depreciation and interest) for which the hospital or SNF would have been reimbursed had it retained legal title to the assets. We are proposing to apply this limitation on an annual basis, as well as over the useful life of the asset, so that, in the aggregate, the amount of rental or lease expense included in patient-care-related capital costs does not exceed the total amount the hospital or SNF would have included in patient-care related capital costs had it retained legal title to the facilities or equipment.

For lease purchase transactions, we are proposing new criteria that would redefine a lease purchase transaction. In addition, as a program initiative not directly related to the implementation of section 1861(v)(1)(O), we are proposing that, for lease purchase transactions, if the lessee becomes the owner of the leased asset and subsequently disposes of the asset, the total amount considered as depreciation for the purpose of computing the limitation on allowable rental costs (as required by § 413.130(b)(5)(i)) must be included in calculating the limitation on adjustments to depreciation for the purpose of determining any gain or loss realized upon disposal of the asset.

The conference committee report states that in implementing section 2314 of Pub. L. 98–369, it is the intent of Congress that we establish appropriate policy with respect to the useful life of an asset and the allowable methods of depreciation. We have reviewed our current rules on methods of depreciation and useful lives of depreciable assets, and we believe that the current policy with respect to methods of depreciation and useful lives of used assets adequately fulfills the requirements of the new legislation. Therefore, at this time, we are not proposing any changes to the regulations governing useful life or the allowable methods of depreciation.

We have also reviewed our current rules on the adjustment for gain or loss on disposition of a depreciable asset and believe they are adequate for implementing section 1861(v)(1)(O). Therefore, we are not proposing any changes to these rules at this time to implement section 1861(v)(1)(O). However, as a program initiative not directly related to the implementation of section 1861(v)(1)(O), we are proposing a clarification to § 413.134(f)(1) to state that the gain or loss realized on the disposition of a depreciable asset has no retroactive effect on a proprietary provider's equity capital for years prior to the disposition of the asset. In addition, we are proposing to clarify § 413.134(f)(4) to specify that donations are included in the types of asset dispositions for which gain or loss will not be included in allowable costs. This clarification will make our regulations consistent with section 132.A2 of the Provider Reimbursement Manual.

Section 1861(v)(1)(O), as amended by section 9110 of Pub. L. 99–272, adds a new provision applicable to transfers of State hospitals to nonprofit corporations without monetary consideration. Section 1861(v)(1)(O)(iv) provides that, in the case of a transfer of a State hospital to a nonprofit corporation for which there was no monetary consideration, the basis that is to be used by the new owner (the nonprofit corporation) for the purpose of calculating capital allowances is the book value of the assets as reflected on the State hospital's books at the time of the transfer. This new provision is effective on the same date as the other provisions of section 1861(v)(1)(O) that apply to changes of ownership occurring on or after July 18, 1984.

C. Medicaid

1. General Information

Section 1902(a)(13)(A) of the Act (42 U.S.C. 1396a(a)(13)(A)) requires that a State must find, and provide satisfactory assurances to HCFA, that Medicaid payments for inpatient hospital and long-term care facility services provided under a State plan are made through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations, and quality and safety standards, and to assure that individuals eligible for medical assistance have reasonable access to inpatient hospital services of adequate quality. In enacting this provision, Congress intended to reduce previous burdensome requirements that the regulations imposed on States, and to allow States greater flexibility in establishing payment rates. Prior to the enactment of section 2314 of Pub. L. 98–369 and section 9509 of Pub. L. 99–272,

the only upper payment limit restriction imposed on States in establishing payment rates was the application of section 1902(a)(30) of the Act (42 U.S.C. 1396a(a)(30)). This section required that State plan methods and standards used to determine payment rates result in payments that are consistent with efficiency, economy and quality of care. Currently § 447.253 of our regulations, as explained below, imposes a Medicare upper payment limit on States in establishing payment rates.

2. Current Policy

Current Medicaid regulations do not establish specific limits on the revaluation of assets. However, § 447.253 imposes a general Medicare upper payment limit on State payments. This section requires that a State agency assure that, under the proposed average payment rate, the State agency will not pay more in the aggregate for inpatient hospital services or long-term care facility services than the amount that it reasonably estimated would have been paid for the services under the Medicare principles of reimbursement. The State agency submits this assurance at the time it requests approval of its payment methodology. Section 447.253 applies an overall limit on institutional reimbursement and, therefore, has no direct impact on any specific cost item.

3. Effect of the Section 1902(a)(13) (B) and (C) of the Act on Current Regulations

Section 1902(a)(13)(B) of the Act, as originally enacted by section 2314 of Pub. L. 98–369, imposed specific Federal requirements for the Medicaid program on the revaluation of assets of hospitals, SNFs, ICFs, and ICFs/MR that change ownership. Under this statutory amendment, a State Medicaid agency was reqired to submit a specific assurance regarding its State plan methodology as it pertained to reimbursement for patient-care related capital costs resulting from a change in ownership. The State agency was required to assure and demonstrate generally that, as a result of a change in ownership, the State plan would not result in an increase in payments to hospitals, SNFs, ICFs, and ICFs/MR in excess of the increase that would be recognized under section 1861(v)(1)(O), which governs Medicare payments.

The Conference Committee Report (H. R. Rep. No. 98–861, 98th Cong., 2d. Sess. 1339 (1984)) states that Congress, in enacting section 2314 of Pub. L. 98–369, intended that States must demonstrate generally that the statutory standard will be met in the aggregate. However, the Conference Report further notes that it is not the intent of Congress that States be required to supply a detailed accounting of how that aggregate is achieved.

Furthermore, the Conference Report states that, in evaluating a State's assurances, we may require the State to demonstrate the application of its methodology in a limited number of instances.

The reference to section 1861(v)(1)(O) in section 1902(a)(13)(B) of the Act, requires that the increase in Medicaid payments may not exceed the increase that would be recognized from application of all the provisions specified in section 1861(v)(1)(O). Therefore, States assurances must consider Medicare payments for depreciation, interest on capital indebtedness, return on equity capital (if applicable), recapture of depreciation in the manner as provided by Medicare regulations in effect on June 1, 1984, and the costs attributable to the negotiation or settlement of a sale or purchase of any capital asset for which payment has previously been made. Thus, the methodology used by the State must not result in payments in the aggregate, that exceed the increase that would be allowable under Medicare in accordance with section 1861(v)(1)(O) and the implementing regulations.

If the State plan methodology references and adopts the Medicare principles for determining asset valuation, and the State continues to use Medicare methodology, the State would be required to follow the Medicare provisions in effect at the time. Accordingly, the State would be required to submit the assurance, required by section 1902(a)(13)(B) of the Act beginning July 18, 1984, based upon the allowable acquisition costs of providers of record as of July 18, 1984.

If the State plan methodology does not reference and adopt the Medicare principles for determining asset valuation, the State must submit the assurance as it applies to medical assistance beginning October 1, 1984, based on the allowable acguisition costs of providers of record as of July 18, 1984.

If a change to the existing State plan methodology cannot be effectuated without a State legislative change, the State agency will not be held out of compliance solely on the basis of its failure to meet the assurance requirement of section 1902(a)(13)(B) prior to the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after July 18, 1984. In these cases, the provisions of section 1902(a)(13)(B) must thereafter be applied to payment for services based on the acquisition costs of owners of record on or after July 18, 1984.

The Conference Report a discussion of section 2314 of Pub. L. 98–369 notes that, under current law, States have broad discretion in designing reimbursement methods and standards for hospital, SNF, ICF, and ICF/MR services, and have used that discretion to implement a wide variety of payment methodologies. The Report goes on to state that Congress does not intend to limit that discretion and expresses the opinion that, in many States, current or planned methodologies would not be affected by the mandated legislative changes. The Conference Report goes on to indicate that States that use the Medicare capital payment methodologies would be able to continue to do so, and States that wish to adopt alternative methods would not be discouraged from doing so.

Section 9509 of Pub. L. 99–272 amended section 1902(a)(13)(B) by making this section applicable to hospitals only. Section 9509 of Pub. L. 99–272 also added a new section 1902(a)(13)(C) to the Social Security Act that is applicable to SNFs, ICFs and ICFs/MR for changes in ownership occurring on or after October 1, 1985. Under section 1902(a)(13)(C) of the Act the State Medicaid Agency must provide assurances satisfactory to the Secretary that the valuation of capital assets for purposes of determining payment rates for SNFs, ICFs and ICFs/MR will not be increased solely as a result of a change of ownership by more than the lesser of—

- One half of the percentage increase (as measured from the date of acquisition by the seller to the date of the change of ownership, or if necessary, as extrapolated retrospectively by the Secretary) in the Dodge Construction Systems Costs for Nursing Homes applied in the aggregate to those facilities that have undergone a change in ownership during the fiscal year; or
- One-half of the percentage increase (as measured from the date of acquisition by the seller to the date of the change in ownership) in the Consumer Price Index for All Urban Consumers (CPI–U) (United States city average).

Section 9509 of Pub. L. 99–272 further provides that if a change to the existing State plan methodology is necessary in order for the plan to meet the requirements of section 1902(a)(13)(C), and this methodology change cannot be effectuated without a State legislative change, the State agency will not be regarded as failing to comply with the requirements of section 1902(a)(13)(C)

solely on the basis of its failure to meet these section 1902(a)(13)(C) requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after April 7, 1986.

The provisions in section 9509 of Pub. L. 99–272 are applicable to medical assistance furnished on or after October 1, 1985 with respect to changes of ownership occurring on or after October 1, 1985 that were not subject to an enforceable agreement entered into before that date.

II. Proposed Changes

A. Medicare

1. Changes Resulting From Section 2314 of Pub. L. 98–369

a. We are proposing to amend § 413.130(b), concerning lease and rent payments in order to prevent, as discussed above, possible circumvention of the revaluation of asset limit imposed by section 1861(v)(1)(O). We would add a new § 413.130(b)(4) that would be applicable to sale and leaseback arrangements entered into on or after the effective date of the final rule following this proposed rule. We are proposing to limit the amount providers may include as patient-care related capital costs for rental or lease expense to the amount a provider would have included in patient care-related capital costs had the provider retained legal title to the asset.

We would also add a new § 413.130(b)(7) and (8) that would be applicable to lease purchase transactions entered into on or after the effective date of the final rule following this proposed rule. These proposed additions to the regulations are intended to prevent possible circumvention of the revaluation of assets limitations imposed by section 1861(v)(1)(O). We are proposing new criteria that would redefine lease purchase transactions. In addition, as a program initiative not directly related to the implementation of section 1861(v)(1)(O), we are also proposing that, for lease purchase transactions in which the lessee becomes the owner of the leased asset and subsequently disposes of the asset, the total amount considered as depreciation for the purpose of computing the limitation on allowable rental costs (as required by the new paragraph (b)(8)(i) of § 413.130) must be included in calculating the limitation on adjustments to depreciation for the purpose of determining any gain or loss realized upon disposal of the asset. We believe that without this change providers that obtained assets through lease purchase transactions would, upon disposition of the asset, be unfairly advantaged over providers that bought assets outright.

b. Congress enacted section 1861(v)(1)(O) in order to assure that the Medicare program does not pay for the same capital asset more than once. This provision is intended to limit the revaluation of an asset for purposes of determining depreciation, interest expense on capital indebtedness, and (if applicable) return on equity capital to the allowable acquisition cost to the individual or entity who was the owner for Medicare purposes on July 18, 1984. The purchasing entity's valuation would be the lesser of its own acquisition cost or the allowable acquisition of the previous owner (not reduced by accumulated depreciation). We are proposing to amend § 413.134 of the regulations to conform them to the section 1861(v)(1)(O) limitation on revaluation of assets.

- Section 413.134(b), which describes historical cost, would be revised by adding a new paragraph (b)(1)(ii) to apply a limitation, applicable to hospitals and SNFs for assets acquired on or after July 18, 1984 and not subject to an enforceable agreement entered into before that date. For purposes of calculating the limitation expressed above, the new § 413.134(b)(1)(ii)(C) would specify that the acquisition cost to the owner of record (the previous owner) for Medicare purposes on July 18, 1984, is the historical cost (that is, the acquisition cost subject to the prior limitation imposed by Medicare), and is not reduced by any depreciation taken by that owner of record. Our decision not to reduce the previous owner's historical cost by depreciation taken is supported by the Conference Committee Report accompanying Pub. L. 99–272 (H. R. Rep. 98–861, 98th Cong., 2d. Sess., 1338–39 (1984).) This report shows that the Senate amendment would have limited the revaluation under Medicare to "the acquisition cost of the asset * * * less depreciation." However, the Conference agreement revised the limitation to the "historical cost (the cost to the original owner)." We also explain in § 413.134(b)(1)(ii)(C), that the purchase of land, which is neither depreciable nor amortizable under any circumstances, would be subject to the historical cost limitation for the purpose of determining allowable interest expense for both proprietary and nonproprietary providers, and return on equity capital for proprietary providers only. The proposed revision adds a new § 413.134(b)(1)(ii)(E) that would describe what would be included in the acquisition costs to the owner of record and also would state that, for assets acquired prior to a provider's entrance into the Medicare program, the acquisition cost to the owner of record would be the historical cost of the asset when acquired, rather than when the provider entered the program. The acquisition cost to the owner of record for assets that were subject to the optional allowance for depreciation described in § 413.139 would further be explained in the proposed new § 413.134(b)(1)(ii)(F). Our proposed revision also explains in a new § 413.134(b)(1)(ii)(B), that the term "asset not in existence as of July 18, 1984" includes any asset that physically existed, but was not owned by a provider participating in the Medicare or Medicaid programs as of July 18, 1984. Because this limitation applies only to hospitals and SNFs, a proposed new § 413.134(b)(1)(iii) would specify that if a change of ownership occurs that involves assets of a hospital-based provider other than a SNF, (to which section 1861(v)(1)(O) of the Act does not apply), a reasonable allocation of the purchase price must be made so that the hospital-based provider would not be affected by the limitation imposed by section 1861(v)(1)(O) of the Act, but rather, would be subject to the limitations imposed prior to the implementation of that section that continue to control changes of ownership involving nonhospital and non-SNF providers. Finally, in a new § 413.134(b)(1)(ii)(G), we would exclude from historical cost, the costs attributable to the negotiation or settlement of the sale or purchase (including mergers and consolidations) of any capital asset for which any payment was previously made by the Medicare program.

- We would add a new paragraph to § 413.134(g), which governs the establishment of the cost basis for assets obtained in the purchase of a facility as an ongoing operation, to limit the historical cost of assets of hospitals and SNFs acquired on or after July 18, 1984 and not subject to an enforceable agreement entered into before that date. We are proposing to limit the historical cost of these assets to the lower of the allowable acquisition cost of the asset to the owner of record as of July 18, 1984, or the acquisition cost to the new owner.

- We are proposing to provide a new § 413.134(h) to establish the amount of incurred rental charges that may be included in a provider's allowable costs in sale and leaseback transactions and lease purchase transactions. This new

paragraph generally reflects the same rules described in § 413.130(b).

c. In section 9110 of Pub. L. 99–272, Congress enacted section 1861(v)(1)(O)(iv) of the Act in order to provide a special rule for valuing assets for Medicare purposes for State hospitals that are transferred without monetary consideration to nonprofit corporations. We are proposing several changes to implement this section.

• First, we would add a definition to § 413.134(b) that would define a donated asset. This proposed new definition would be consistent with the definition contained in section 104.15 of the Provider Reimbursement Manual. We would also clarify that, if an asset is exchanged for new debt or the assumption of debt, then the transaction would be considered a sale and not a donation. Thus, for purposes of section 9110 of Pub. L. 99–272, the assumption or acceptance of debt in exchange for the receipt of a facility is equivalent to the payment of monetary consideration.

• Secondly, we are proposing to revise and redesignate § 413.134(i) to § 413.134(j) in order to consolidate the regulations governing donations. The revised § 413.134(j) would include: (1) The general rule that currently appears in § 413.134(a)(2); (2) the special rule governing donations of assets that were previously used or depreciated under the Medicare program, which appears in § 413.134(i); and (3) a special rule to implement the new section 1861(v)(1)(O)(iv) of the Act that would govern the transfer of a State hospital to a nonprofit corporation without monetary consideration. This special rule would provide that, in the case of a transfer of ownership of a State hospital to a nonprofit corporation for which there was no monetary consideration, the new owner's depreciable basis would be the net book value of the assets as recorded on the State's books at the time of the transfer. In expressing this special rule, the legislative language states that the new owner's depreciable basis would be the "book value" of the assets. However, we have interpreted this to mean "net book value" based on the Conference Committee language, which states in pertinent part, "* * * the basis from which capital-related costs to the donee is calculated would be the donor's historical cost (net of depreciation)." (H. R. Rep. No. 453, 99th Cong., 1st Sess., 465 (1985).)

2. Other Changes

We are proposing a clarification to § 413.134(f)(1), because in some cases providers and intermediaries have misinterpreted this section by allowing retroactive adjustments to a proprietary provider's equity capital for years prior to the disposition to reflect a gain or loss on the disposal of depreciable assets. We are proposing to clarify that the gain or loss on the disposition of depreciable assets has no retroactive effect on a proprietary provider's equity capital for years prior to the disposition. This clarification would include in the regulations explicit language to conform to our consistent policy that was also enunciated in a recent revision to section 130 of the Provider Reimbursement Manual. We are also proposing to clarify § 413.134(f)(4) to include donations in the category of asset dispositions for which gains or losses will not be included in allowable costs. This proposed change would conform our regulations to section 132.A.2 of the Provider Reimbursement Manual.

B. Medicaid Changes Resulting From Section 1902(a)(13) (B) and (C)

Sections 1902(a)(13) (B) and (C) limit State Medicaid reimbursement for the patient-care-related capital costs associated with the sale or transfer of hospitals or nursing homes. Under section 1902(a)(13)(B) as originally enacted by section 2314(b) of Pub. L. 98–369, a State must provide an assurance to HCFA that the methodology used by the State to establish payment rates for hospitals, SNFs, ICFs or ICFs/MR is reasonably expected not to result in increased payments, solely as the result of changes in ownership, that exceed the increase permitted under the Medicare program. This provision was applicable for changes in ownership occurring on or after July 18, 1984. Section 9509 of Pub. L. 99–272 added a new section 1902(a)(13)(C) to the Act that is applicable to transfers of ownership of SNFs, ICFs and ICFs/MR that change ownership on or after October 1, 1985. This section of the law requires a State to provide an assurance to HCFA that the valuation of capital assets for purposes of determining payment rates for SNFs, ICFs and ICFs/MR will not be increased solely as a result of a change of ownership by more than the lesser of a specified allowable percentage tied to the Dodge construction index and the Consumer Price Index for All Urban Consumers based on the United States City Average (CPI–U). Section 9509 of Pub. L. 99–272 also amended section 1902(a)(13)(B) of the Act by making this section applicable beginning October 1, 1985 to hospitals only.

Section 1902(a)(13)(C) of the Act, as revised by Pub. L. 99–272, limits the revaluation of assets that results from a change of ownership to the lesser of—

• One half of the percentage increase (as measured over the same period of time, or if necessary, as extrapolated retrospectively by the Secretary) in the Dodge Construction Systems Costs for Nursing Homes applied in the aggregate with respect to those facilities that have undergone a change of ownership during the fiscal year; or

• One-half the percentage increase (as measured over the same period of time) in the Consumer Price Index for All Urban Consumers (United States city average).

Although the statute cites a specific index entitled the "Dodge Construction Systems Costs for Nursing Homes," it is our understanding that this does not identify an index that is currently published and that can readily be applied to nursing homes. Rather, it would involve the application of a number of indexes and adjustments that generally apply to health care facilities and are also applicable for nursing homes. In addition, the rate would be dependent on a number of variables including specific location, age, construction material.

Accordingly, in drafting this proposed rule rather than citing a specific index entitled the "Dodge Construction Systems Costs for Nursing Homes," we would require States to consider the more general Dodge construction index. A State would have the flexibility, consistent with the flexibility it currently has in adopting alternative reimbursement methodologies, to provide the assurance as it applies to the Dodge construction index as reasonably determined by the State. Therefore, the State would be required to assure that its payment methodology does not increase the revaluation of assets that results from changes of ownership, by more than one-half the Consumer Price Index for All Urban Consumers or one-half the Dodge construction index, as reasonably determined by the State.

Therefore, in order to implement this limitation, we are proposing the following amendments to 42 CFR Part 447, Subpart C, which governs payment for inpatient hospital and long-term care facility services.

• We are proposing to amend § 447.250, which describes the basis and purpose of subpart C, by adding a new paragraph that explains that § 447.253 (c) and (d), which are discussed below, implement sections 1902(a)(13)(B) and 1902(a)(13)(C) of the Act.

• Section 447.253, which describes other requirements concerning State assurances, would be amended to include the assurances required by

sections 1902(a)(13)(B) and 1902(a)(13)(C) of the Act for changes in ownership.

The assurances are intended to apply to increases that are due *solely* as a result of a change in ownership. The term "solely," as used in this context, is meant to specify that the increase in the payment rate has been directly generated by a change in ownership and that the increase in the rate would not have been in excess of the increase that would have occurred under Medicare had there not been a change in ownership. Therefore, if a State plan provides for increases to the payment rate for patient-care-related capital costs that are generated independently of a facility's change in ownership, the State agency could readily assure that any increases in the payment rate, solely as a result of a change in ownership do not exceed these limits.

The Conference Committee Report (H. R. Rep. No. 98–861, 98th Cong. 2d Sess., 1339 (1984)) states that, "States would be required to assure the Secretary that the methodologies used to establish rates paid to hospitals, SNFs or ICFs can reasonably be expected not to increase those rates more than they would increase under Medicare policy as a result of a change of ownership of a facility." This Conference Report further states that, in determining whether a State has exceeded the increase that would result from application of the Medicare requirements at section 1861(v)(1)(O) the State must demonstrate generally that the statutory standard will be met in the aggregate. We are proposing that the assurance for each level of care (that is, hospital, SNF, ICF, and ICF/MR) be based on the *increase* in payments to all facilities within that class of facilities that have a change in ownership during a specified period. We have concluded that since the statute specifies that the increase in payments under Medicaid may not exceed the *increase* that would result from applying Medicare principles, the statute only allows States to increase Medicaid reimbursement by the amount that Medicare would allow the payments to increase.

The assurance would be based on payments for depreciation, interest on capital indebtedness, return on equity capital (if applicable), acquisition costs for which Medicare payments have previously been made to the prior owner, and the recapture of depreciation, as determined in the aggregate for all facilities that change ownership, as determined, for each level of care (that is, hospitals, SNFs, ICFs or ICFs/MR). It is our belief that applying the test to each level of care is consistent with the legislative intent expressed in the conference report cited above. The conference report specifies that States will be required to submit an assurance applicable to the methodologies used to establish rates paid to hospitals, SNFs or ICFs. Therefore, States must submit the assurance as it affects *each* type of provider. In addition, this proposed policy is also consistent with our current administrative policies and practices for determining payment rates and payment ceilings.

• We also considered alternatives for implementing the effective date of these provisions. Section 2314(b) of Pub. L. 98–369 states that the Medicaid provision shall apply to medical assistance furnished on or after October 1, 1984. It has been suggested that the provision should not apply to changes of ownership that occurred prior to October 1, 1984. However, the statute limits the increase in Medicaid payments to the increase that would result from application of section 1861(v)(1)(O). That section clearly applies to changes in ownership on or after July 18, 1984. It is, therefore, clear that the Medicaid statute would also apply to changes of ownership occurring on or after July 18, 1984, affecting payments for medical assistance provided on or after October 1, 1984.

Section 9509 of Pub. L. 99–272 specifically states that the amendments mandated by this section shall apply to medical assistance furnished on or after October 1, 1985, but only with respect to changes of ownership occurring on or after such date that were not subject to an enforceable agreement entered into prior to October 1, 1985.

III. Other Considerations

We are considering applying the limitations on asset valuations expressed in section 2314 of Pub. L. 98–369 to all providers under the Medicare program, and we are requesting public comments on this proposal. Congress expressly mandated application of the legislation only to hospitals and SNFs under Medicare because those types of providers are the most capital intensive. However, it is our belief that, if the revaluation of asset limits are not applied to all types of providers, the lack of consistency among provider types would create problems for those provider complexes that consist of both the provider types covered by the legislation and those not covered by the legislation. For example, if a hospital and a hospital-based home health agency (HHA) under Medicare occupy the same building, Medicare's share of capital-related costs pertaining to the building would have to be calculated applying one limitation to the hospital portion of the building and another limitation to the HHA portion of the building. This would be administratively burdensome to both providers and fiscal intermediaries and would create an inappropriate incentive to providers to shift costs to the portion of the complex that has the higher asset basis. Because the asset basis limitation that existed for all providers prior to Pub. L. 98–369 was imposed by regulation, under general statutory authority, we believe that we can extend application of the revaluation of asset limits to all types of providers without additional legislation. However, we believe that such an extension ought to be made prospectively. Due to the significant questions raised by this proposal we are soliciting public comments about this approach. We may incorporate this approach into the final rule with a prospective effective date. We wish to note that, although this proposal is under consideration, we have not included proposed regulation text in this document since this proposal is still under consideration.

IV. Regulatory Impact Analysis

A. Introduction

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any proposed regulations that are likely to meet criteria for a "major rule." A major rule is one that would result in:

1. An annual effect on the economy of $100 million or more;

2. A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or any geographic regions; or;

3. Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States based-enterprises to compete in domestic or export markets.

In addition, consistently with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), we prepare and publish an initial regulatory flexibility analysis for proposed regulations unless the Secretary certifies that the regulations would not have a significant impact on a substantial number of small entities. For purposes of the RFA, we consider all providers as small entities.

In sections II.A and B of this preamble, we discuss the proposed changes to our current Medicare and Medicaid regulations implementing section 2314 of Pub. L. 98–369 and sections 9110 and 9509 of Pub. L. 99–272.

We believe that the provisions of the statute are clear and require little interpretation in the regulations. However, consistently with sections 2314 of Pub. L. 98–369 and 9509 and 9110 of Pub. L. 99–272, the provisions in these proposed regulations specify limitations and classifications on revaluation of assets.

Even though we believe that these proposed amendments to the regulations flow necessarily from the law, particularly section 1861(v)(1)(O), the provisions in the law are significantly less detailed than these proposed rules. For example, although discussed in the conference committee report, the law itself does not explicitly address sale and leaseback arrangements. There is also reason to expect the publication of these proposals to be controversial to many providers. Therefore, we have voluntarily decided to furnish the following analysis describing the expected effect of these proposed regulations, even though we have determined that the impact resulting solely from these proposals, as distinguished from the applicable provisions of Pub. L. 98–369 and Pub. L. 99–272, would not meet the criteria for identifying a major rule, or have a significant impact on small entities. Over approximately two years since the date of enactment of section 2314 of Pub. L. 98–369, there have been the following changes of ownership of active providers by facility type:

	Hospital	SNF	ICFs	ICFs/MR
Total No. of providers	6,730	8,973	5,678	3,281
Change of ownership:				
Medicare only		14		
Medicaid only		176	625	50
Medicare/Medicaid	223	371		
Total No. of changes of ownership	223	561	625	50

B. Background

During the past few years, providers have been involved in a significant number of mergers and acquisitions. These transactions involved both chain organizations and single facilities. We believe that mergers and acquisitions, under current payment rules, may result in unjustified and inappropriate levels of Medicare and Medicaid payments. The changes in this proposed rule are intended to promote economy in these programs. We have also gathered information on several of the recent major multifacility acquisitions. We are examining this information for the potential consequences of these mergers and acquisitions on Medicare and Medicaid program costs.

Patient-care-related capital costs for hospitals are excluded from the Medicare prospective payment system. We reimburse hospitals for their patient-care-related capital costs on a reasonable cost basis. SNFs are also reimbursed for their patient-care related capital costs on a reasonable cost basis. For both hospitals and SNFs, Medicare generally pays the percentage of capital costs that reflect the ratio of Medicare utilization to total utilization.

Available data indicate a great variation among hospitals in terms of the ratio of capital costs to total operating costs. For about one quarter of the hospitals, capital costs are less than four percent of operating costs. Slightly over one half of the hospitals claim capital costs between four and ten percent. The remaining number of hospitals have capital cost to operating cost ratios of between ten and twenty percent.

Currently, States have broad discretion in designing reimbursement methods and standards for hospital, SNF, ICF, and ICF/MR services. States have used that discretion to implement a wide variety of payment methodologies and policies to account for providers capital expenditures. Only a few States reference and adopt Medicare principles in accounting for capital costs for long-term care reimbursement. Some States have established their own limits on the reimbursement for these costs. Due to this variation in State practices and the absence of data about Medicaid capital expenditures, we are not able to estimate current Federal or State Medicaid expenditures for capital expenses.

C. Provider Impact

It is clear that Congress intends to restrict reimbursement for capital upon a change of ownership of a hospital, SNF, ICF or an ICF/MR. Thus, these entities would be affected by these provisions in several ways.

First, we do not expect this provision to have a significant impact on provider decisions regarding future mergers and acquisitions. Mergers and acquisitions evolve from a pro-merger environment that is caused by factors such as excess bed capacity, new technologies and changes in social demographics (for example, changes in the composition of the service area's population that, in turn, would effect utilization and have an impact on revenues). Consequently, the hospital and long-term care facility industries are restructuring themselves primarily to take advantage of the current pro-merger environment.

Economics is often the driving force in mergers and acquisitions. For many providers facing financial difficulties and looking for sources of funding for the needs of operations and capital formation, mergers and acquisitions offer an attractive alternative to prolonged financial difficulty. Thus, we believe that the weight of factors like tax incentives, increased buying power and market entry initiatives for corporate expansion, which are influences that would not be affected by this proposal, would offset in good measure any disincentives that might be created with respect to decisions to merge or acquire. Therefore, we believe that this proposed rule would not inhibit current levels of merger or acquisition activities.

Providers would, however, be affected by the reduction of Medicare and Medicaid reimbursement for capital expenses. However, we are not able to estimate the impact this provision could have on Medicare payments to providers because we do not have data that would indicate the number of future transactions requiring revaluation of assets. Absent this information, we could not predict the value of the transactions, with the result that information concerning the original cost of each acquisition to determine depreciation costs is not available. Therefore, a detailed analysis of the impact of this proposed rule on the Medicare and Medicaid program expenditures is not possible at this time. Nonetheless, despite this limitation, program experience allows us to analyze and rank the potential effects of several of the key provisions of this rule, as follows:

- *Depreciation and Interest Expense*

This proposal would have the most significant impact on the Medicare and Medicaid programs. Our experience indicates that many provider acquisitions are for amounts as much as two to five times the cost to the previous owner, who may not have been the owner of record under the proposed historical cost definitions. Eliminating the upward revaluation of assets in these acquisitions would reduce the historical cost basis of the assets for purposes of computing depreciation and interest expense. This change, coupled with the exclusion of costs attributable to the negotiation or settlement of the purchase or sale of any capital asset for which any Medicare payment has previously been made, we believe would result in significant savings.

• *Sale and Leaseback Arrangements and Lease Purchase Transactions*

We believe that these proposals rank second in terms of potential program savings and could affect many providers. The proposals would avoid possible provider circumvention of the revaluation of assets limit that restricts reimbursement of patient-care related capital costs. Beginning with the effective date of a final rule, we would limit allowable costs under sale and leaseback arrangements to the amount the provider would have included in its allowable costs had the provider retained legal title to the facilities or equipment. We are also proposing new criteria for defining lease purchase agreements. In addition, we explain that the limitation on adjustments to depreciation for the purpose of determining any gain or loss upon the disposal of lease purchase assets includes any amount considered as depreciation for the purposes of having computed the limitation on allowable rental costs. It is our belief that savings would increase under these provisions.

• *Return on Equity Capital of Proprietary Providers*

Nonprofit providers are not subject to the proposed return on equity changes, and, therefore, would not be affected by them. However, with respect to proprietary providers, limiting the historical cost of assets by prohibiting upward revaluations of assets would reduce the basis of the assets used in the computation of the return on equity capital. Moreover, we would continue our existing policy that any loan, or portion thereof, that is made to finance the excess of the total acquisition cost over the allowable acquisition cost of a facility, or of any tangible assets of a facility, would be excluded from the equity capital computation, because such excess would not be considered related to patient care. Thus, we would avoid reimbursement for increased financial liability incurred by providers in their mergers and acquisitions of other facilities and assets.

• *Medicaid Provisions*

We do not have a basis on which to estimate or rank the impact of the Medicaid proposals. Most States have initiated a variety of actions to control provider reimbursement, including reimbursement for capital costs. We believe there would be Federal and State savings resulting from these actions, but due to the variation in State practices, and because of the absence of good data about the effect of State reimbursement policies, we can not estimate the budgetary impact on the Medicaid program.

D. Summary

In summary, we expect that this proposal would restrict reimbursement for capital costs upon change of ownership of a hospital, SNF, ICF, or ICF/MR. We have noted our limitations in estimating the impact of this proposal, but we are certain that both Medicare and Medicaid program savings would result from the implementation of this proposal.

E. Paperwork Reduction Act

Sections 447.253(a) and 447.255 contain information collection requirements that are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3511).

A notice will be published in the **Federal Register** when approval is obtained. An individual or organization desiring to submit comments on the information collection requirements should direct them to the agency official whose name appears in the preamble and to the Desk Officer for HCFA at the following address: Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, DC 20503, Attention: HCFA/Desk Officer.

IV. Other Required Information

A. Effective Dates

Section 2314(c) of Pub. L. 98–369 as well as sections 9110(b) and 9509(b) of Pub. L. 99–272 impose specific effective dates for the sections 1861(v)(1)(O) and 1902(a)(13) (B) and (C).

• The effective date for changes of ownership of assets of hospitals and SNFs under the Medicare program is July 18, 1984. This date is also applicable to transfers of hospitals without monetary consideration by State governments to nonprofit corporations.

• Generally, for payments for medical assistance, Pub. L. 98–369 imposed an effective date of October 1, 1984 for changes of ownership of assets of hospitals, SNFs, ICFs, and ICFs/MR under the Medicaid program. Section 2314 of Pub. L. 98–369 states that the Medicaid provision shall apply to medical assistance furnished on or after October 1, 1984. To comply with the statutory assurance as specified at section 1902(a)(13)(B), as originally enacted by Pub. L. 98–369, a State Medicaid agency must submit an assurance that in paying for medical assistance furnished on or after October 1, 1984 the State plan methodology will not increase payments to facilities as a result of a change in ownership in excess of the amount of the increase payable under Medicare that would occur under section 1861(v)(1)(O). The amount of the increase allowable under Medicare is based on the lower of the acquisition cost to the first owner of record on or after July 18, 1984, or the purchase price of the asset to the new owner. Therefore, the Medicaid provision is effective for medical assistance beginning October 1, 1984 for all changes of ownership of hospitals and for changes of ownership of SNFs, ICFs and ICFs/MR that occur on or after July 18, 1984 but prior to October 1, 1985. For changes of ownership of SNFs, ICFs and ICFs/MR that occur on or after October 1, 1985 the Medicaid provisions described in section 1902(a)(13)(C) are effective on that date.

Because the proposed changes to §§ 413.130 (b)(4), (b)(7), and (b)(8) and §§ 413.134 (h)(3), (h)(6), and (h)(7) are not mandated by statute, they would be applicable to costs incurred on or after the effective date of the final rule.

Finally, we point out that section 9321 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–502), enacted on October 21, 1986, prohibits the issuance of certain capital related regulations in final form before September 1, 1987. Therefore, this proposed rule, at least as it affects hospitals, will not be published in final form until on or after that date.

B. Public Comment

Because of the large number of pieces of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments contained in correspondence that we receive by the date specified in the "Dates" section of this preamble, and we will respond to the comments in the preamble of that rule.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health maintenance organizaticns (HMO), Health professions, Kidney diseases, Laboratories, Medicare, Reporting and recordkeeping requirements, Rural areas, X rays.

42 CFR Part 413

Health facilities, Kidney diseases, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 447

Accounting, Clinics, Contracts (agreements), Copayments, Drugs.

Grant-in Aid program—health, Health facilities, Health professions, Hospitals, Medicaid, Nursing homes, Payments for services: General, Payments: timely claims, Reimbursement, Rural areas.

42 CFR Chapter IV would be amended as set forth below:

A. Part 413, Subpart G is amended as follows:

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES

Subpart G—Capital-Related Costs

The authority citation for Subpart G is revised to read as follows:

Authority: Secs. 1102, 1122(d), 1134, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1320a–1(d), 1320b–4, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

2. Section 413.130 is amended by revising paragraphs (b)(1) and (b)(2), redesignating paragraph (b)(4) as (b)(5) and revising (b)(5), adding a new paragraph (b)(4), redesignating paragraph (b)(5) as (b)(6), and amending the newly redesignated (b)(6)(i) by revising the cross reference "(b)(4)" to read "(b)(5)," and adding new paragraphs (b)(7) and (b)(8), to read as follows:

§ 413.130 Introduction to capital-related costs.

* * * * *

(b) *Leases and rentals.* (1) Subject to the qualifications of paragraphs (b) (2), (4), (5), and (7) of this section, leases and rentals, including licenses and royalty fees, are includable in capital-related costs if they relate to the use of assets that would be depreciable if the provider owned them outright. The terms "leases" and "rentals of assets" signify that a provider has possession, use, and enjoyment of the assets.

(2) For sale and leaseback agreements entered into before [30 days following publication of the final rule], a provider may include incurred rental charges in its capital-related costs, as specified in a sale and leaseback agreement with a nonrelated purchaser (including shared service organizations not related within the meaning of § 413.17) involving plant facilities or equipment only if the following conditions are met:

(i) The rental charges are reasonable based on—

(A) Consideration of rental charges of comparable facilities and market conditions in the area;

(B) The type expected life, condition, and value of the facilities or equipment rented; and

(C) Other provisions of the rental agreements.

(ii) Adequate alternative facilities or equipment that would serve the purpose are not or were not available at lower cost.

(iii) The leasing was based on economic and technical considerations.

(3) * * *

(4) For sale and leaseback agreements entered into on or after [30 days following publication of the final rule], the amount a provider may include in its capital-related costs as rental or lease expense may not exceed the amount that the provider would have included in capital-related costs had the provider retained legal title to the facilities or eguipment. This limitation applies on an annual basis, as well as over the useful life of the asset, so that, in the aggregate, the amount of rental or lease expense included in capital-related costs does not exceed the total amount that the provider would have included in capital-related costs had the provider retained legal title to the facilities or equipment. Capital-related costs include, but are not limited to, interest expense on mortgages, taxes, depreciation, and insurance costs.

(5) For lease purchase transactions entered into before [30 days following publication of a final rule], a lease that meets the following conditions generally establishes a virtual purchase:

(i) The rental charge exceeds rental charges of comparable facilities or equipment in the area.

(ii) The term of the lease is less than the useful life of the facilities or equipment.

(iii) The provider has the option to renew the lease at a significantly reduced rental, or the provider has the right to purchase the facilities or equipment at a price that appears to be significantly less than what the fair market value of the facilities or equipment would be at the time acquisition by the provider is permitted.

(6) * * *

(7) For lease purchase transactions entered into on or after [30 days following publication of a final rule], a lease that meets any one of the following conditions will establish a virtual purchase:

(i) The lease transfers title of the facilities or equipment to the lessee during the lease term.

(ii) The lease contains a bargain purchase option.

(iii) The lease term is 75% or more of the useful life of the facilities or equipment. This provision is not applicable if the lease begins in the last 25% of the useful life of the facilities or equipment.

(iv) The present value of the minimum lease payments (that is, payments to be made during the lease term, including bargain purchase option, guaranteed residual value, or penalties for failure to renew) equals 90% or more of the fair market value of the leased property. This provision is not applicable if the lease begins in the last 25% of the useful life of the facilities or equipment. The present value is computed using the lessee's incremental borrowing rate, unless the lessor's implicit rate is known and is less than the lessee's incremental borrowing rate, in which case, the lessor's implicit rate is to be used.

(8)(i) If a lease is a virtual purchase under paragraph (b)(7) of this section, the rental charge is includable in capital-related costs only to the extent that it does not exceed the amount that the provider would have included in capital related costs if it had legal title to the asset (the cost of ownership), such as straight line depreciation, insurance, and interest. A provider may not include in its capital-related costs accelerated depreciation.

(ii) The difference between the amount of rent paid and the amount of rent allowed as capital related costs is considered a deferred charge and is capitalized as part of the historical cost of the asset when the asset is purchased.

(iii) If an asset is returned to the owner, instead of being purchased, the deferred charge may be included in capital-related costs in the year the asset is returned.

(iv) If the term of the lease is extended for an additional period of time at a reduced lease cost and the option to purchase still exists, the deferred charge may be included in capital-related costs to the extent of increasing the reduced rental to an amount not in excess of the cost of ownership.

(v) If the term of the lease is extended for an additional period of time at a reduced lease cost and the option to purchase no longer exists, the deferred charge may be included in capital related costs to the extent of increasing the reduced rental to a fair rental value.

(vi) If the lessee becomes the owner of the leased asset (either by operation of the lease or by other means), the amount considered as depreciation, for the purpose of having computed the limitation expressed in paragraph (b)(8)(i) of this section, must be used in calculating the limitation on adjustments for the purpose of determining any gain

or loss under § 413.134(f) upon disposal of an asset.

* * * * *

3. In § 413.134, the introductory language of paragraph (a) is reprinted unchanged for the convenience of the reader, paragraphs (a)(2), the heading of paragraph (b), and (b)(1) are revised, new paragraphs (b)(8) and (b)(9) are added, paragraphs (f)(1), (f)(4) and (g)(2) are revised, the existing paragraph (g)(3) is redesignated as (g)(4) and revised, a new paragraph (g)(3) is added, current paragraphs (h) through (k) are redesignated, as paragraphs (i) through (l), a new paragraph (h) is added and the newly redesignated paragraph (j) is revised to read as follows:

§ 413.134 Depreciation: Allowance for depreciation based on asset costs.

(a) *Principle.* An appropriate allowance for depreciation on buildings and equipment used in the provision of patient care is an allowable cost. The depreciation must be—

(1) * * *

(2) Based on the historical cost of the asset, except as specified in paragraph (j) of this section regarding donated assets; and

(b) *General rules—(1) Historical costs.* Historical cost is the cost incurred by the present owner in acquiring the asset.

(i) *All providers.* For depreciable assets acquired after July 31, 1970, and for hospitals and SNFs only, before July 18, 1984 the historical cost may not exceed the lower of current reproduction cost adjusted for straight-line depreciation over the life of the asset to the time of the purchase or the fair market value of the asset at the time of its purchase.

(ii) *Hospitals and SNFs only.*

(A) For assets acquired on or after July 18, 1984 and not subject to an enforceable agreement entered into before that date, historical cost may not exceed the lower of the allowable acquisition cost of the asset to the owner of record as of July 18, 1984 (or, in the case of an asset not in existence as of July 18, 1984, the first owner of record of the asset after that date), or the acquisition cost of the asset to the new owner.

(B) For purposes of applying paragraph (b)(1)(ii)(A) of this section, an asset not in existence as of July 18, 1984 includes any asset that physically existed, but was not owned by a hospital or SNF participating in the Medicare or Medicaid programs as of July 18, 1984.

(C) The acquisition cost to the owner of record is subject to any limitation on historical costs described in paragraphs (b)(1)(i) or (g) (1) and (2) of this section, and is not reduced by any depreciation taken by the owner of record. This limitation on historical cost is also applied to the purchase of land, a capital asset that is neither depreciable nor amortizable under any circumstances. (See §§ 413.153(d) and 413.157(b) for application of the limitation to the cost of land for purposes of determining allowable interest expense and return on equity capital of proprietary providers.)

(D) Acquisition cost to the owner of record includes the costs of betterments or improvements that extend the estimated useful life of an asset at least two years beyond its original estimated useful life, or increases the productivity of an asset significantly over its original productivity.

(E) For assets acquired prior to a hospital's or SNF's entrance into the Medicare program, the acquisition cost to the owner of record is the historical cost of the asset when acquired, rather than when the hospital or SNF entered the program.

(F) For assets subject to the optional depreciation allowance as described in § 413.139, the acquisition cost to the owner of record is the historical cost established for those assets when the hospital or SNF changed to actual depreciation as described in § 413.139(e). If the hospital or SNF did not change to actual depreciation, as described in § 413.139(e), for optional allowance assets, the acquisition cost to the owner of record is established by reference to the hospital's or SNF's recorded historical cost of the asset when acquired. If the hospital or SNF has no historical cost records for optional allowance assets, the acquisition cost to the owner of record is established by appraisal.

(G) The historical cost of an asset acquired on or after July 18, 1984 may not include costs attributable to the negotiation or settlement of the sale or purchase (including mergers and consolidations) of any capital asset for which any payment was previously made under the Medicare program. The costs to be excluded include, but are not limited to, appraisal costs, legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies.

(iii) *Hospital based providers other than SNFs.* For changes of ownership that involve assets of hospital-based providers other than SNFs (hospital based providers other than SNFs are not subject to paragraph (b)(1)(ii) of this section), a reasonable allocation of the purchase price must be made, so that the hospital based provider is not affected by the limitations described in paragraph (b)(1)(ii) of this section. The historical cost of assets of providers other than hospitals and SNFs is governed by paragraph (b)(1)(i) of this section.

* * * * *

(8) *Donated asset.* An asset is considered donated when the provider acquires the asset without making payment in the form of cash, new debt, assumed debt, property or services. Except as provided in paragraph (j)(3) of this section if a provider makes payment in any form to acquire an asset, the payment is considered the purchase price for the purpose of determining allowable historical cost.

(9) *Net book value.* The net book value of an asset is the depreciable basis used for the Medicare program by the asset's last participating owner less depreciation recognized under the Medicare program.

* * * * *

(f) *Gains and losses on disposal of assets*—(1) *General.* Depreciable assets may be disposed of through sale, scrapping, trade-in, exchange, demolition, abandonment, condemnation, fire, theft, or other casualty. If disposal of a depreciable asset results in a gain or loss, an adjustment is necessary in the provider's allowable cost. The amount of a gain included in the determinatiaon of allowable cost is limited to the amount of depreciation previously included in Medicare allowable costs. The amount of a loss to be included is limited to the undepreciated basis of the asset permitted under the program. The treatment of the gain or loss depends upon the manner of dispostion of the asset, as specified in paragraphs (f) (2) through (6) of this section.

The gain or loss on the disposition of depreciable assets has no retroactive effect on a proprietary provider's equity capital for years prior to the year of disposition.

* * * * *

(4) *Exchange, trade-in or donation.* Gains or losses realized from the exchange, trade-in or donation of depreciable assets are not included in the determination of allowable cost. When the disposition of an asset is by means of exchange, trade-in or donation, the historical cost of the new asset is the sum of the undepreciated cost of the asset disposed of and the additional cash or other assets transferred or to be transferred to acquire the new asset. However, if the asset disposed of was acquired by the provider before its participation in the

Medicare program and the sum of the indepreciated cost and the cash or other assets transferred or to be transferred exceed the list price or fair market value of the new asset, the historical cost of the new asset is limited to the lower of its list price or fair market value.

* * * * *

(g) *Establishment of cost basis on purchase of facility as an ongoing operation.*

(1) * * *

(2) *Assets acquired after July 31, 1970 and, for hospitals and SNFs only, before July 18, 1984.* For depreciable assets acquired after July 31, 1970 and, for hospitals and SNFs only, before July 18, 1984, in addition to the limitations specified in paragraph (g)(1) of this section, the cost basis of the depreciable assets may not exceed the current reproduction cost depreciated on a straight-line basis over the life of the asset to the time of the sale.

(3) *Assets acquired by hospitals and SNFs on or after July 18, 1984 and not subject to an enforceable agreement entered into before that date.* Subject to paragraphs (b)(1)(ii) (B) through (G) and (iii) of this section, historical cost may not exceed the lower of the allowable acquisition cost of the asset to the owner of record as of July 18, 1984 (or, in the case of an asset not in existence as of July 18, 1984, the first owner of record of the asset after that date), or the acquisition cost to the new owner.

(4) *Transactions other than bona fide.* If the purchaser cannot demonstrate that the sale was bona fide, in addition to the limitations specified in paragraphs (g) (1), (2), and (3) of this section, the purchaser's cost basis may not exceed the seller's cost basis, less accumulated depreciation.

(h) *Sale and leaseback agreements and other lease transactions.* (1) For sale and leaseback agreements for all providers, and for sale and leaseback agreements for hospitals and SNFs entered into before [30 days following publication of a final rule], a provider may include in its allowable costs incurred rental charges, as specified in a sale and leaseback agreement with a nonrelated purchaser involving plant facilities or eguipment, only if—

(i) The rental charges are reasonable based on consideration of rental charges of comparable facilities and market conditions in the area; the type, expected life, condition, and value of the facilities or equipment rented; and other provisions of the rental agreement;

(ii) Adequate alternate facilities or equipment that would serve the purpose are not available at lower cost; and

(iii) The leasing was based on economic and technical considerations.

(2) If the conditions of paragraph (h)(1) of this section are not met, the amount a provider may include in its allowable costs as rental or lease expense under a sale and leaseback agreement may not exceed the amount that the provider would have included in its allowable costs had the provider retained legal title to the facilities or equipment. These amounts may consist of interest expense on mortgages, taxes, depreciation, and insurance costs.

(3) For hospitals and SNFs entering into sale and leaseback agreements on or after [30 days following publication of a final rule], the amount a provider may include in its allowable costs as rental or lease expense may not exceed the amount that the provider would have included in its allowable costs had the provider retained legal title to the facilities or equipment. This limitation applies on an annual basis, as well as over the useful life of the asset, so that, in the aggregate, the amount of rental or lease expense included in allowable costs may not exceed the total amount that the provider would have included in allowable costs had the provider retained legal title to the facilities or equipment. These amounts may consist of interest expense on mortgages, taxes, depreciation, and insurance costs.

(4) For lease transactions of all providers entered into before [30 days following publication of the final rule], a lease that meets the following conditions will establish a virtual purchase:

(i) The rental charge exceeds rental charges of comparable facilities or equipment in the area.

(ii) The term of the lease is less than the useful life of the facilities or equipment.

(iii) The provider has the option to renew the lease at a significantly reduced rental, or the provider has the right to purchase the facilities or equipment at a price that appears to be significantly less than what the fair market value of the facilities or equipment would be at the time acquisition by the provider is permitted.

(5)(i) If a lease is a virtual purchase under paragraph (h)(4) of this section, the rental charge is includable in allowable costs only to the extent that it does not exceed the amount that the provider would have included in allowable costs if it had legal title to the asset (the cost of ownership), such as straight line depreciation, insurance, and interest. For purposes of computing the limitation on allowable rental cost expressed in this paragraph, a provider may not include accelerated depreciation.

(ii) The difference between the amount of rent paid and the amount of rent allowed as rental expense is considered a deferred charge and must be capitalized as part of the historical cost of the asset when the asset is purchased.

(iii) If an asset is returned to the owner, instead of being purchased, the deferred charge may be expense in the year the asset is returned.

(iv) If the term of the lease is extended for an additional period of time at a reduced lease cost and the option to purchase still exists, the deferred charge may be expense to the extent of increasing the reduced rental to an amount not in excess of the cost of ownership.

(v) If the term of the lease is extended for an additional period of time at a reduced lease cost and the option to purchase no longer exists, the deferred charge may be expense to the extent of increasing the reduced rental to a fair rental value.

(6) For hospitals and SNFs entering into lease transactions on or after [30 days following publication of the final rule], a lease that meets any one of the following conditions will establish a virtual purchase:

(i) The lease transfers title of the facilities or equipment to the lessee during the lease term.

(ii) The lease contains a bargain purchase option.

(iii) The lease term is 75% or more of the useful life of the facilities or equipment. This provision is not applicable if the lease begins in the last 25% of the useful life of the facilities or equipment.

(iv) The present value of the minimum lease payments (that is, payments to be made during the lease term, including bargain purchase option, guaranteed residual value, or penalties for failure to renew) equals 90% or more of the fair market value of the leased property. This provision is not applicable if the lease begins in the last 25% of the useful life of the facilities or equipment. The present value is computed using the lessee's incremental borrowing rate, unless the lessor's implicit rate is known and is less than the lessee's incremental borrowing rate, in which case, the lessor's implicit rate is to be used.

(7)(i) If a lease is a virtual purchase under paragraph (h)(6) of this section, the rental charge is includable in allowable costs only to the extent that it does not exceed the amount that the provider would have included in allowable costs if it had legal title to the

asset (the cost of ownership), such as straight line depreciation, insurance, and interest. For purposes of computing the limitation on allowable rental cost as described in this paragraph, a provider may not include accelerated depreciation in its allowable costs.

(ii) The difference between the amount of rent paid and the amount of rent allowed as rental expense is considered a deferred charge and is capitalized as part of the historical cost of the asset when the asset is purchased.

(iii) If an asset is returned to the owner, instead of being purchased, the deferred charge may be expensed in the year the asset is returned.

(iv) If the term of the lease is extended for an additional period of time at a reduced lease cost and the option to purchase still exists, the deferred charge may be expensed to the extent of increasing the reduced rental to an amount not in excess of the cost of ownership.

(v) If the term of the lease is extended for an additional period of time at a reduced lease cost and the option to purchase no longer exists, the deferred charge may be expensed to the extent of increasing the reduced rental to a fair rental value.

(vi) If the lessee becomes the owner of the leased asset (either by operation of the lease or by other means), the amount considered as depreciation, for the purpose of having computed the limitation expressed in paragraph (h)(7)(i) of this section, must be used in calculating the limitation on adjustments to depreciation for the purpose of determining any gain or loss under paragraph (f) of this section upon disposal of an asset.

* * * * *

(j) *Basis of assets donated to a provider*— (1) *Assets not previously used or depreciated under the Medicare program.* If an asset has never been used or depreciated under the Medicare program and is donated to a provider, the basis for the purpose of calculating depreciation and equity capital (if applicable) is the fair market value of the asset at the time of donation.

(2) *Assets previously used or depreciated under the Medicare program.* If an asset has been used or depreciated under the Medicare program and is donated to a provider, the basis for the purpose of calculating depreciation and equity capital (if applicable) is the lesser of—

(i) The fair market value at the time of donation; or

(ii) The net book value in the hands of the owner last participating in the Medicare program.

(3) *Transfers of State hospitals to nonprofit corporations without monetary consideration.* If a State transfers a hospital to a nonprofit corporation without monetary consideration on or after July 18, 1984, the depreciable basis of the assets to the new owner is the net book value of the assets as recorded on the State's books at the time of the transfer. For purposes of this section, monetary consideration includes cash, new debt and assumed debt.

* * * * *

B. Part 447, Subpart C is amended as set forth below:

PART 447—PAYMENTS FOR SERVICES

Subpart C—Payment for Inpatient Hospital and Long-Term Care Facility Services

1. The authority citation for Part 447 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

2. Section 447.250 is amended by redesignating paragraphs (c) and (d) as paragraphs (d) and (e) and by adding a new paragraph (c), to read as follows:

§ 447.250 Basis and purpose.

* * * * *

(c) Sections 447.253 (c) and (d) implement Sections 1902(a)(13)(B) and 1902(a)(13)(C) of the Act, which require a State Medicaid agency to make certain assurances to the Secretary regarding increases in payments resulting solely from changes in ownerships of hospitals, SNFs, ICFs and ICFs for the mentally retarded (ICFs/MR).

3. In § 447.253, paragraph (a) is amended by revising the citation "paragraphs (b) through (g)" to read "paragraphs (b) through (i)," redesignating paragraphs (c) through (g) as paragraphs (e) through (i), and by adding new paragraphs (c) and (d), to read as follows:

§ 447.253 Other requirements.

* * * * *

(c) *Changes in ownership of hospitals.* In determining reimbursement when there has been a sale or transfer of the assets of a hospital, the State's methods and standards must provide that payment rates can reasonably be expected not to increase, in the aggregate, solely as a result of changes of ownership, more than the payments would increase under Medicare under §§ 413.130, 413.134, 413.153, and 413.157 of this chapter, insofar as these sections affect payments for depreciation, interest on capital indebtedness, return on equity capital (if applicable), acquisition costs for which payments were previously made to prior owners, and the recapture of depreciation.

(d) *Changes in ownership of SNFs, ICFs and ICFs/MR.* In determining reimbursement when there has been a sale or transfer of assets of a SNF, ICF, or ICF/MR, the State's methods and standards must provide the following depending upon the date of the transfer.

(1) For transfers on or after July 18, 1984 but prior to October 1, 1985 the State's methods and standards must provide that payment rates, solely as the result of a change in ownership, can reasonably be expected not to increase, in the aggregate, more than the payments would increase under Medicare under §§ 413.130, 413.134, 413.153 and 413.157 of this chapter, insofar as these sections affect payment for depreciation, interest on capital indebtedness, return on equity capital (if applicable), acquisition costs for which payments were previously made to prior owners, and the recapture of depreciation.

(2) For transfers on or after October 1, 1985 the State's methods and standards must provide that the valuation of capital assets for purposes of determining payment rates for SNFs, ICFs and ICFs/MR will not be increased (as measured from the date of acquisition by the seller to the date of the change of ownership), solely as a result of a change of ownership, by more than the lesser of—

(i) One-half of the percentage increase (as measured from the date of acquisition by the seller to the date of the change of ownership, or, if necessary, as extrapolated retrospectively by the Secretary) in the Dodge construction index applied in the aggregate with respect to those facilities that have undergone a change of ownership during the fiscal year; or

(ii) One-half of the percentage increase (as measured from the date of acquisition by the seller to the date of the change of ownership) in the Consumer Price Index for All Urban Consumers (CPI-U) (United States city average) applied in the aggregate with respect to those facilities that have undergone a change of ownership during the fiscal year.

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance Program and No. 13.714, Medical Assistance Program)

Dated: March 23, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: July 28, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-24562 Filed 10-23-87; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-432, RM-6002]

Radio Broadcasting Services; Chickasaw, AL and Quitman, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by JAB Broadcasting, Inc., requesting the substitution of Channel 252C2 for Channel 252A at Chickasaw, AL, and modification of its license for Station WDLT(FM), accordingly, to provide that community with its first wide coverage area FM service. Additionally, petitioner requests the substitution of Channel 255A for 252A at Quitman, Mississippi, and modification of the license of Station WYKK-FM, licensed to Quitman Broadcasting Company, to accommodate its proposal.

DATES: Comments must be filed on or before December 7, 1987, and reply comments on or before December 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Julian P. Freret, Esq., Booth, Freret & Imlay, 1920 N Street NW., Suite 520, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-432, adopted September 11, 1987, and released October 19, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-24698 Filed 10-23-87; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1011, 1181 and 1186

[Ex Parte No. MC-111 (Sub. No. 1)]

Transfer Rules

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to revise its regulations at 49 CFR Part 1181 governing applications under 49 U.S.C. 10321 and 10926 to transfer operating rights of motor common and contract carriers, water common and contract carriers, holders of Certificates of Registration, household goods freight forwarders, and brokers of property. Transfers of motor property authority under 49 U.S.C. 10926, now governed by regulations at 49 CFR Part 1186, are included in this proposal. Conforming changes in Part 1186 are proposed. However, procedures for water carrier transactions governed by 49 U.S.C. 11343 that are now codified at 49 CFR 1181.11 will be revised in a separate rulemaking proceeding. We also propose to eliminate our oversight of changes in control of property brokers and pertinent regulations at 49 CFR 1181.32, and to revise the procedures for changing the name of a carrier under 49 CFR Part 1181, Subpart E. Finally, the Commission proposes explicitly to consider safety fitness as a substantive issue in transfer proceedings. Under section 10926 and in motor property transactions subject to 49 U.S.C. 11343 involving the purchase of authority that will continue to be governed by the regulations at 49 CFR Part 1186.

Consolidation of the transfer procedures into a single set of rules will expedite the administrative process for the small carriers generally affected. The recommended revisions, particularly elimination of the provision at 49 CFR 1181.3(b) involving duplicative or improperly divided authority, will ensure that the Commission's regulations remain fully responsive to recent developments, including the Bus Regulatory Reform Act of 1982. These changes are reflected in this proposal. Corresponding revisions to application Form OP-FC-1 used to effect such transfers also are proposed (*see* appendix), and are reflected in the proposed revisions to the List of Forms at 49 CFR Part 1003.

DATE: Comments are due on December 10, 1987.

ADDRESS: Send comments [an original and 10 copies], referring to Ex Parte No. MC-111 (Sub-No. 1), to

Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Andrew L. Lyon, (202) 275-7291 or Warren C. Wood, (202) 275-7977 (TDD for hearing impaired: (202) 275-1721).

SUPPLEMENTARY INFORMATION: The Commission's decision contains additional informnation. To obtain a copy of the decision, write to Office of the Secretary, Room 2215, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, DC 20423, or call (202) 275-7428 (assistance for the hearing impaired is available through TDD services (202) 275-1721) or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters.

The proposed rules do not appear to affect significantly the quality of the human environment or the conservation of energy resources. However, we specifically invite the comments of interested parties on these issues.

In accordacne with the purpose and intent of the 49 U.S.C. 10926 transfer provisions, to exempt small carriers from the more stringent procedural requirements and decisional standards of 49 U.S.C. 11343, we have proposed a comprehensive revision and simplification of the "small carrier" transfer regulations at 49 CFR Part 1181

and conforming changes to 49 CFR Part 1186. We preliminarily certify that the regulatory revisions proposed here will have significant positive economic impact on a substantial number of small motor carriers, water carriers, property brokers, and household goods freight forwarders and, indirectly, upon the public they serve, by reducing regulatory burdens.

The new procedural format will expedite small carrier transfer proceedings and, in turn, will hasten availability of improved competitive service to shippers. Elimination of regulatory provisions, which in the past delayed or precluded authorization of transfers of authority, will enhance restructuring among motor carriers by lowering regulatory barriers to entry and exit from the industry and will accord such entities greater latitude to pursue operating efficiencies in response to the demands of the transportation marketplace. Corresponding benefits are expected to inure to water carrier, property broker, and household goods freight forwarder transfer applicants.

The rules proposed will not impose additional reporting, recordkeeping, or compliance requirements on small entities. Conversely, the informational requirements for all involved entities are proposed to be appreciabley reduced. Moreover, the revised rules will not duplicate, overlap, or conflict with any existing Federal rule.

List of Subjects

49 CFR Part 1003

Freight forwarders, Motor carriers, Application forms.

49 CFR Part 1011

Administrative practice and procedure.

49 CFR Part 1181

Administrative practice and procedure, Brokers, Freight forwarders, Motor carriers.

49 CFR Part 1186

Administrative practice and procedure, Freight forwarders, Motor carriers, Water carriers.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre and Simmons. Vice Chairman Lamboley concurred with a commenting separate expression.

Noreta R. McGee,

Secretary.

Title 49 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1003—LIST OF FORMS

(1) The authority citation for Part 1003 continues to read:

Authority: 5 U.S.C. 551(a), 5 U.S.C. 553(1)(c), and 49 U.S.C. 10321.

§ 1003.2 [Amended]

(2) The entry for OP–FC–1 in § 1003.2 is proposed to be revised to read as follows:

OP–FC–1.

Applications in proceedings (other than those under 49 U.S.C. 11343) for transfer or lease of:

(1) Motor carrier Certificates of Registration issued pursuant to 49 U.S.C. 10931;

(2) Motor common and contract carrier operating rights issued pursuant to 49 U.S.C. 10922 and 10923, respectively;

(3) Property broker licenses issued pursuant to 49 U.S.C. 10924;

(4) Household goods freight forwarder permits issued pursuant to 49 U.S.C. 10923; and

(5) Water common and contract carrier operating rights issued pursuant to 49 U.S.C. 10922 and 10923, respectively.

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

(3) The authority citation for Part 1011 continues to read:

Authority: 5 U.S.C. 553(b), 31 U.S.C. 9701, 49 U.S.C. 10301, 10302, 10304, 10305, and 10321.

(4) Section 1011.6(i)(5) is proposed to be revised to read as follows:

§ 1011.6 Employee boards.

* * * * *

(i) * * *

(5) Determination of applications, which have not involved taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, under:

(i) 49 U.S.C. 10321, relating to the transfer of brokers' licenses; and

(ii) 49 U.S.C. 10931 and 10932, relating to the transfer of Certificates of Registration and rights to operate pending determination of applications for Certificates of Registration.

PART 1181—TRANSFERS OF OPERATING RIGHTS UNDER 49 U.S.C. 10926

(5) Part 1181 is proposed to be revised to read as follows:

Sec.

1181.0 Scope of rules.
1181.1 Definitions.
1181.2 Applications.
1181.3 Notice.
1181.4 Commission action and criteria for approval.
1181.5 Responsive pleadings.
1181.6 Procedures for changing the name or business form of a motor or water carrier, household goods freight forwarder, or property broker.

Authority: 5 U.S.C. 553, 49 U.S.C. 10321 and 10926.

§ 1181.0 Scope of rules.

These rules define the procedures that enable motor passenger and property carriers, water carriers, property brokers, and household goods freight forwarders to obtain approval from the Interstate Commerce Commission to merge, transfer, or lease their operating rights in financial transactions not subject to 49 U.S.C. 11343. Transactions covered by these rules are governed by 49 U.S.C. 10321 and 10926. The filing fee is set forth at 49 CFR 1002.2(f)(25).

§ 1181.1 Definitions.

For the purposes of this part, the following definitions apply:

(a) *Transfer.* Transfers include all transactions (*i.e.*, the sale or lease of interstate operating rights,[1] or the merger of two or more carriers or a carrier into a noncarrier) subject to 49 U.S.C. 10926, as well as the sale of property brokers' licenses under 49 U.S.C. 10321.

(b) *Operating rights.* Operating rights include:

(1) Certificates and permits issued to motor and water carriers;

(2) Permits issued to household goods freight forwarders;

(3) Licenses issued to property brokers; and

(4) Certificates of Registration issued to motor carriers.

The term also includes authority held by virtue of the gateway elimination regulations published in the **Federal Register** as letter-notices.

(c) *Certificate of registration.* The evidence of a motor carrier's right to engage in interstate or foreign commerce within a single State as established by a corresponding State certificate.

(d) *Person.* An individual, partnership, corporation, company, association, or other form of business, or a trustee, receiver, assignee, or personal representative of any of these.

[1] The execution of a chattel mortgage, deed of trust, or other similar document does not constitute a transfer or require the Commission's approval. However, a foreclosure for the purpose of transferring an operating right to satisfy a judgment or claim against the record holder may not be effected without approval of the Commission.

(e) *Record holder.* The person shown on the records of the Commission as the legal owner of the operating rights.

(f) *Control.* A relationship between persons that includes actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, a holding or investment company, or any other means.

(g) *Category 1 transfers.* Transactions in which the person to whom the operating rights would be transferred is not an ICC carrier and is not affiliated with any ICC carrier.

(h) *Category 2 transfers.* Transactions in which the person to whom the operating rights would be transferred is an ICC carrier and/or is affiliated with an ICC carrier.

§ 1181.2 Applications.

(a) *Procedural requirements.* (1) At least 10 days before consummation, an original and two copies of a properly completed Form OP–FC–1 and any attachments [*see* paragraph (b)(1)(viii) of this section must be filed with the Office of the Secretary, Applications and Fees Unit, Interstate Commerce Commission, Washington, DC 20423. The original must show that an additional copy has been furnished to the Commission's Regional Director for the Region(s) in which the applicants' headquarters are located. The nonrefundable filing fee prescribed by 49 CFR 1002.2(f)(25) must accompany the application.

(2) At any time after the expiration of the 10-day waiting period, applicants may consummate the transaction, subject to the subsequent approval of the application by the Commission, as described below. The transferee may commence operations under the rights acquired from the transferor upon its compliance with the Commission's regulations governing insurance, tariffs (if applicable), and process agents. *See* 49 CFR Parts 1043, 1312 and 1044, respectively. In addition, contract carriers must comply with the Commission's regulations concerning contracts at 49 CFR Part 1053. In the alternative, applicants may wait until the Commission has issued a decision on their application before transferring the operating rights. If the transferee wants the transferor's operating authority to be reissued in its name, it should furnish the Commission with a statement executed by both transferor and transferee indicating that the transaction has been consummated. Authority will not be reissued until after the Commission has approved the transaction.

(b) *Information required.* (1) In category 1 and category 2 transfers, applicants must furnish the following information:

(i) Full name, address, and signatures of the transferee and transferor.

(ii) A copy of that portion of the transferor's operating authority involved in the transfer proceeding.

(iii) A short summary of the essential terms of the transaction.

(iv) If relevant, the status of proceedings for the transfer of State certificate(s) corresponding to the Certificates of Registration being transferred.

(v) A statement as to whether the transfer will or will not significantly affect the quality of the human environment.

(vi) Certification by transferor and transferee of their current respective safety ratings by the United States Department of Transportation (*i.e.*, Satisfactory, conditional, unsatisfactory or unrated).

(viii) Certification by the transferee that it has sufficient insurance coverage under 49 U.S.C. 10927 for the service it intends to provide.

(viii) Information to demonstrate that the proposed transaction is consistent with the national transportation policy and satisfies the criteria for approval set forth at § 1181.4 of this part. (Such information may be appended to the application form and, if provided, would be embraced by the oath and verfication contained on that form).

(2) Category 2 applicants must also submit the following additional information:

(i) Name(s) of the carrier(s), if any, with which the transferee is affiliated.

(ii) Aggregate revenues of the transferor, transferee and their carrier affiliates from interstate transportation sources for a 1 year period ending not earlier than six months before the date of the agreement of the parties concerning the transaction. If revenues exceed $2 million, the transfer may be subject to 49 U.S.C. 11343 rather than these rules.

§ 1181.3 Notice.

The Commission will give notice of approved transfer applications through publication in the *ICC Register.*

§ 1181.4 Commission action and criteria for approval.

A transfer will be approved under this section if:

(a) The transaction is not subject to 49 U.S.C. 11343;

(b) The transaction is consistent with the public interest; and

(c) If the transferor or transferee has less than a satisfactory safety rating, the transfer may be conditioned or may be disapproved.

If an application is denied, the Commission will serve a decision on the parties setting forth the basis for its action. Transactions that have been consummated but are later denied by the Commission are null and void and must be rescinded.

§ 1181.5 Responsive pleadings.

(a) Protests must be filed within 20 days after the date of publication of an approved transfer application in the *ICC Register.* Protests received prior to the notice will be rejected. Applicants may respond within 20 days after the due date of protests. Petitions for reconsideration of decisions denying applications must be filed within 20 days after the date of service of such decisions.

(b) Protests and petitions for reconsideration must be filed with the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and be served on appropriate parties.

§ 1181.6 Procedures for changing the name or business form of a motor or water carrier, household goods freight forwarder, or property broker.

(a) *Scope.* These procedures (and not the transfer rules at 49 CFR Parts 1181, 1182, 1183 and 1186) apply in the following circumstances:

(1) A change in the form of a business, such as the incorporation of a partnership or sole proprietorship;

(2) A change in the legal name of a partnership or change in the trade name or assumed name of any entity;

(3) A transfer of operating rights from a deceased or incapacitated spouse to the other spouse;

(4) A reincorporation and merger for the purpose of effecting a name change;

(5) An amalgamation or consolidation of a carrier and noncarrier into a new carrier having a different name from either of the predecessor entities; and

(6) A change in the State of incorporation accomplished by dissolving the corporation in one State and reincorporating in another State.

(b) *Procedures.* To accomplish these changes, a letter must be sent to the Office of the Secretary, Applications and Fees Unit, Interstate Commerce Commission, Washington, DC 20423. The envelope should be marked "NAME CHANGE". The applicant must provide:

(1) The docket number(s) and name of the carrier requesting the change;

(2) A copy of the articles of incorporation and the State certificate reflecting the incorporation;

(3) The name(s) of the owner(s) of the stock and the distribution of the shares;

(4) The names of the officers and directors of the corporation; and

(5) A statement that there is no change in the ownership, management, or control of the business.

When this procedure is being used to transfer operating rights from a deceased on incapacitated spouse to the other spouse, documentation that the other spouse has the legal right to effect such change must be included with the request. The fee for filing a name change request is in 49 CFR 1002.2(f)(11).

PART 1186—EXEMPTION OF CERTAIN TRANSACTIONS UNDER 49 U.S.C. 11343

(6) The authority citation for Part 1186 continues to read:

Authority: 49 U.S.C. 10321 and 11343(e) and 5 U.S.C. 553.

(7) Section 1186.1 is proposed to be revised to read:

§ 1186.1 Scope of exemptions.

Any transaction under 49 U.S.C. 11343(a)(1)–(5) among motor carriers of property or between them and noncarriers is exempt from the requirements of 49 U.S.C. 11343, 11344, and 11345a, subject to the right of employees and others file complaints as set forth in § 1186.8.

(8) Section 1186.2 is proposed to be revised to read:

§ 1186.2 Notice of exemption.

To qualify for an exemption under § 1186.1, the participants in the transaction must file an original and four copies of a joint Notice of Exemption with the Commission. The Notice of Exemption shall contain the following information:

(a) Names and addresses of the carriers or other parties involved;

(b) A brief, but specific description of the nature of the transaction;

(c) Certification of the accuracy of the contents of the notice by, and signature of, the persons who control the carriers or other parties involved in the transaction; and

(d) A jurisdictional statement stating why the transaction is subject to 49 U.S.C. 11343–11344.

(9) Section 1186.5 is proposed to be revised to read:

§ 1186.5 Filing fees.

The filing fee required to file a Notice of Exemption is set forth in 49 CFR 1002.2(f)(27).

(10) Section 1186.8 is proposed to be revised to read:

§ 1186.8 Complaints.

(a) *Employee complaints.* Employees who have been or may be adversely affected by an exempt transaction or transaction proposed for exemption may file a complaint with the Commission any time after the Notice of Exemption is filed. A copy of the complaint must be served on the parties to the transaction. The parties may file an answer with the Commission and upon complainant within 10 days after receipt of the complaint. Employee complaints must contain the following information:

(1) The docket number of the corresponding Notice of Exemption (if available at the time) and the names of the participants in the transaction;

(2) Names of the employees alleged to be affected by the transaction and the nature and scope of harm;

(3) A request for specific relief (requests for relief in the alternative are acceptable);

(4) An explanation as to why the particular relief sought is the appropriate remedy for the particular harm suffered; and

(5) (Optional) A request for suspension or revocation of the exemption, accompanied by information showing why suspension or revocation of exemption is necessary.

(b) *Anticompetitive complaints.* Any party may file a complaint with the Commission within 30 days after the Notice of Exemption is published alleging that the transactions is potentially anticompetitive. A copy of the complaint must be served on the parties to the transaction. The parties may respond by filing an answer with the Commission and upon complainant within 10 days after the due date of the complaint. The complaint must contain the following information:

(1) The docket number of the corresponding Notice of Exemption (if available at the time) and the names of the participants in the transaction;

(2) A specific description of the manner in which competition will allegedly be adversely affected;

(3) A request for specific relief (requests for relief in the alternative are acceptable);

(4) An explanation as to why the particular relief sought is deemed to be appropriate.

(c) Petitioners shall promptly furnish any interested party with a copy of the Notice of Exemption and any attachments, free of charge.

(11) A new § 1186.9 is proposed to be added, as follows:

§ 1186.9 Safety fitness.

The Commission will consider the DOT safety rating of the buyer and the seller in transactions where operating authority is purchased. If either the buyer or the seller has less than a satisfactory safety fitness rating, the exemption may be either conditioned on improvement in that rating, or disapproved.

[**Editorial Note:** The following Appendix will not appear in the Code of Federal Regulation.]

Appendix

Form OP–FC–1 is to be filed in all proceedings to transfer authority under 49 U.S.C. 10321 and 10924 involving property brokers, 49 U.S.C. 10926 involving motor passenger and property carriers, water carriers, and household goods, freight forwarders, and 49 U.S.C. 10931 and 10932 involving holders of Certificates of Registration. This form should not be used for transfers of motor carrier authority or water carrier authority under 49 U.S.C. 11343. A sample of the proposed revised Form OP–FC–1 follows.

Interstate Commerce Commission Small Carrier Transfer Application Form No. MC–FC–

Through the filing of this original application, two copies and a $150 filing fee (check or money order) with the Office of the Secretary, Applications and Fees Unit, Interstate Commerce Commission, Washington, DC 20423, the applicants named below request approval to transfer authority under 49 U.S.C. 10321, 10924, 10926, 10931, and/or 10932.

Exhibit I. Identification of Applicants

Name of Transferee

Business Form: Corporation, Partnership, Individual

Trade Name

Business Address and Zip Code

Declarations: 1. Transferee [ ] is [ ] is not an ICC-regulated motor carrier.

2. Transferee [ ] is [ ] is not a [ ] rail carrier, [ ] water carrier, [ ] express company, [ ] household goods freight forwarder, or [ ] broker regulated by the ICC.

3. Transferee [ ] is [ ] is not affiliated with a [ ] motor, [ ] rail, or [ ] water carrier, [ ] freight forwarder, [ ] express company, or [ ] broker.

4. The name(s) of the motor, rail, or water carrier, freight forwarder, express company, or broker which transferee owns or is affiliated with:

Name of Transferor

Business Form: Corporation, Partnership, Individual

Trade Name

Business Address and Zip Code

Exhibit II. Identification of ICC Rights Being Transferred

We seek to [ ] transfer [ ] lease [ ] a portion of [ ] the entire ICC operating rights under:

Certificate No. _____

Permit No. _____

Certificate of Registration No. MC- _____

License No. MC— _____

We have attached true copies of the transferor's ICC certificates, licenses, and/or permits involved in this application and have marked the portions to be transferred, retained, or cancelled.

Note.—In instances where only portions of a particular certificate, license, or permit are to be transferred, a copy of the authority in its entirety must be submitted.

Exhibit III. Terms of The Transaction

Briefly describe the essential terms of the transaction.

Exhibit IV. Certificate of Registration Transfer

Our application [ ] does [ ] does not involve the transfer of a Certificate of Registration. If it does, we have attached a copy of the State order approving the transfer of the corresponding State rights or will furnish it when it is available.

Exhibit V. Certifications

A. We certify that on _____, 19____, we mailed a complete copy of this application to the ICC Regional Office(s) located at (City and State).

B. We certify that this transaction [ ] will [ ] will not significantly affect the quality of the human environment.

C. Transferee certificates that its current safety rating by the United States Department of Transportation (DOT) is [ ] satisfactory, [ ] conditional, [ ] unsatisfactory, [ ] unrated. Transferor certifies that its current DOT safety rating is [ ] satisfactory, [ ] unconditional, [ ] unsatisfactory, [ ] unrated.

D. We certify that transferee has sufficient insurance coverage under 49 U.S.C. 10927 for the service it intends to provide.

E. We understand that knowing and willful omissions of material facts constitute Federal criminal violations punishable by up to 5 years imprisonment and fines up to $10,000 for each offense. (18 U.S.C. 1001).

Signature of Transferee

Signature of Transferor

Exhibit VI. Applicants' Representative

Name and Business Telephone Number

Capacity

Business Address and Zip Code

If transferee is an ICC carrier and/or is affiliated with an ICC carrier complete the following part.

Exhibit VII. Supplement

Since transferee is an ICC carrier and/or is affiliated with an ICC carrier, we have submitted the following supplemental information:

A. Name(s) of ICC carrier affiliate(s) of transferee and a statement describing the extent of this affiliation.

B. Aggregate revenues of the transferor, transferee and their carrier affiliates from interstate transportation sources for a 1 year period ending not earlier than six months before the date of the agreement of the parties covering the transaction. *See* 49 U.S.C. 11343(d)(1).

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 840 and 841

[Docket No. R-18-1356; FR-2385

Supportive Housing Demonstration Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule and announcement of fund availability.

SUMMARY: The Supportive Housing Demonstration program is contained in Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, approved July 22, 1987). This program provides assistance for projects providing housing and supportive services for homeless persons in the forms of transitional housing to facilitate the movement of homeless individuals to independent living, and permanent housing for handicapped homeless persons. This notice: (1) Announces the proposed rules for the Supportive Housing Demonstration Program; (2) states that the requirements contained in the proposed rule will govern the permanent housing program until final regulations are issued; and (3) announces the availability of $15 million in funds for permanent housing under the Supplemental Appropriations Act, 1987 (Pub. L. 100-71, approved July 11, 1987).

DATE: Comments must be received by December 28, 1987.

ADDRESS: Interested persons are invited to submit comments regarding this proposed rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-5720. Hearing or speech impaired individuals may call HUD's TDD number (202) 426-0015. (These phone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

On July 22, 1987, the President approved the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77) ("McKinney Act"). Title IV of the McKinney Act contains a number of assistance programs to be administered by HUD. Subtitle C authorizes the Supportive Housing Demonstration program ("SHD program"). Under this program, HUD is directed to carry out a program to develop innovative approaches to providing housing and supportive services to the homeless. The purposes of the program are to determine:

—The cost of acquisition, rehabilitation, acquisition and rehabilitation, or leasing of existing structures for the provision of supportive housing;

—The cost of operating such housing and providing supportive services to the residents of the housing;

—The social, financial and other advantages of such housing as a means of assisting homeless individuals; and

—The lessons that the provision of supportive housing might have for the design and implementation of housing programs that serve homeless individuals and families with special needs.

The SHD program has two components—a reauthorization (with amendments) of the Transitional Housing Demonstration program originally authorized in Part B of the Homeless Housing Act of 1986,[1] and a new program of permanent housing for handicapped homeless persons.

II. Procedural Matters

Section 426(a) of the McKinney Act contains the following requirements regarding implementation of the SHD program:

> Not later than 90 days following the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle. Until final regulations are issued under this subtitle, the regulations established by the Secretary implementing the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall govern the transitional housing provisions of this subtitle.

Consistent with this provision, this document serves three purposes. First, it proposes regulations to govern the SHD program both transitional and permanent housing components—and seeks public comment on the proposed provisions. This implements the two-step "notice" and "final regulations" language in section 426(a).

It should be noted that on September 3, 1987 (52 FR 33536), HUD published a notice announcing that the Guidelines issued for the original Transitional Housing Demonstration program (THDP) (52 FR 21743, June 9, 1987) and certain McKinney Act provisions, would govern the use of $65 million of the $80 million appropriated for the SHD program by the Supplemental Appropriations Act, 1987. That notice carried out section 426(a)'s directive that until final rules take effect, the transitional housing component is to be governed by the original program's requirements.

Second, today's document establishes requirements that govern the permanent housing component of the SHD program for funds appropriated by the Supplemental Appropriations Act, 1987. Section 426(a) provides that HUD is to publish a notice establishing requirements for the SHD program. Although the statute specifies the requirements that will govern the transitional housing element of the program pending issuance of final SHD program regulations, it is silent on the permanent housing component. The Department interpreted substantially similar language in section 525(a) of the Emergency Shelter Grants Program in the Homeless Housing Act of 1986 as authorizing a proposed rule that served two functions: establishing guidelines that would govern the program until issuance of a final rule, and soliciting public comment to assist in the development of a final rule (See 51 FR 45278, December 17, 1986.)

The Department will use the same approach for the permanent housing program—*i.e.* today's proposed rule will: (1) Establish requirements for the program to permit its immediate implementation with amounts provided in the Supplemental Appropriations Act, 1987; and (2) solicit public comment that will form the basis for a final rulemaking. The Department believes that this approach is responsive not only to section 426(a), but also to the Congressional concern—expressed in both the McKinney Act and the supplemental appropriation—that SHD program funds be committed as quickly as possible to assist their intended beneficiaries.

Finally, today's document announces the availability of $15 million in funds for permanent housing appropriated by the Supplemental Appropriations Act, 1987, and solicits the submission of

[1] Section 101(g), Pub. L. 99-500 (approved October 18, 1986) and Pub. L. 99-591 (approved October 30, 1986) making appropriations as provided for in Title V of H.R. 5313, 99th Cong., 2d Sess. (1986) (as passed by the House of Representatives and by the Senate), to the extent and in the manner provided for in H. Rep. No. 977, 99th Cong., 2d Sess. (1986).

applicants for the progam. Requirements governing the submission of applications are discussed at section IV, below.

III. Program Description

A. Overview

As noted above, supportive housing under Subtitle C of Title IV of the McKinney Act includes both transitional housing and permanent housing for handicapped homeless persons. Each of these two components of the SHD program would be implemented by the addition of a new part. The major features of each of these programs are discussed below.

1. *Transitional Housing.* Part 840 of the proposed rule would govern the transitional housing component of the program.

(a) *Projects assisted.* The proposed rule at § 840.5 defines transitional housing as an assisted project that provides housing and supportive services to homeless persons and that has as its purpose facilitating the movement of homeless individuals to independent living within a reasonable amount of time, as determined by the Secretary. Consistent with the THDP Guidelines, HUD has set 18 months as the maximum stay limitation in transitional housing.

All or part of the supportive services provided in connection with the housing may be provided directly by the recipient or by arrangement with public or private service providers. The supportive services that may be provided to residents of transitional housing projects are defined at § 840.5. Under this section, supportive services would include those services that are proposed by an applicant in its application and approved by HUD, that address the special needs of the homeless persons to be served by the project, and that assist in accomplishing the goals of the transitional housing program. The definition lists various services that may be supportive services. The cited services are derived from the list of supportive services originally contained in the THDP guidelines.

(b) *Applicants and recipients.* In accordance with section 422(1) of the McKinney Act, the proposed rule would limit eligible applicants under the transitional housing program to States, metropolitan cities, urban counties, tribes, and private nonprofit organizations. Eligible applicants would also include two or more of these entities that submit a joint application.

The universe of eligible governmental applicants is more restrictive under the McKinney Act than under the THDP guidelines. Applicants under the THDP guidelines included all governmental entities, including those that have general governmental powers (such as cities, counties, or States), as well as those that have limtied or special powers (such as public housing agencies). HUD is concerned that the proposed definition may exclude many units of local government that have a long-term commitment to serving the needs of the homeless. While the statutory definition prohibits direct assistance to such governmental entities, HUD is considering the addition of express regulatory language permitting eligible governmental recipients to contract with other governmental entities to operate transitional housing assisted under the program. HUD may also extend this contracting to other types of entities. Public comment is expressly requested on this proposal.

Under sections 422(4) and (14) of the McKinney Act, the terms "metropolitan city" and "urban county" are given the same meaning as contained in section 102 of the Housing and Community Development Act of 1974. The definitions of these two terms in the proposed rule reflect this requirement. Additionally, the definitions provide guidance that urban counties and metropolitan cities are generally those counties and cities that are eligible for an entitlement grant under 24 CFR Part 570, Subpart D.

The definition of "private nonprofit organization" contained in section 422(6) of the McKinney Act also differs from the definition contained in the THDP guidelines. The McKinney Act: (1) Eliminated the requirement that the organization must be a secular or religious organization described in section 501 of the Internal revenue Code and must be exempt from taxation under subtitle A of the Code; (2) added a requirement that no part of the net earnings of the organization may inure to the benefit of any member, founder, contributor or individual; and (3) modified requirements governing the organization's accounting system. The proposed definition of private nonprofit organization reflects these changes.

In accordance with the McKinney Act, "recipient" is defined to include any applicant that HUD approves as to financial responsibility and that executes a grant agreement with HUD to provide transitional housing. (For purposes of the program, HUD has made a determination that all States, metropolitan cities, urban counties, and tribes requesting assistance are financially responsible. See proposed § 840.210(b)(2)(ii)(A).) All recipients under the proposed rule would be required to operate transitional housing and to provide or coordinate the provision of supportive services to the residents of the housing.

(c) *Eligible participants.* Transitional housing under the proposed rule must serve homeless persons. Section 103 of the McKinney Act defines homeless to include: (1) An individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily use as, a regular sleeping accommodation for human beings. Homeless does not include any individual imprisoned or otherwise detained under an Act of Congress or a State law.

The McKinney Act definition is broader than the definition of homeless persons under THDP guidelines, which limited participation to homeless persons who are capable, within a reasonable period of time, of living independently. The McKinney Act definition of homeless has been incorporated in the proposed rule at § 840.5 with clarifying language indicating that the term includes homeless families.

The McKinney Act emphasizes that various homeless populations are to be served by transitional housing. For example, section 422(12)(A) specifically defines "transitional housing" as housing that is primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental disabilities, and homeless families with children; and section 428(b)(1) provides a funding set aside for transitional housing projects that serve homeless families with children. Such targeting of specific homeless populations is not incorporated in the THDP guidelines.

In order to implement these statutory provisions, § 840.5 of the proposed rule would include the following definitions for transitional housing:

Handicapped or *handicapped person.* Section 422(2) of the McKinney Act provides that the term handicapped means an individual that is handicapped within the meaning of section 202 of the Housing Act of 1959. The definition in the proposed rule is similar to the definition of handicapped person that will be contained in FR-1761—Loans for Housing for the Elderly or

Handicapped—Housing Assistance Payments Contract and Project Management, a proposed rule revising 24 CFR Part 885 that will be published shortly. Proposed Part 840 contains two modifications. First, this proposed rule clarifies that a handicapped person who also suffers from alcoholism or drug addiction is included within the definition of handicapped person. Second, unlike the Part 885 definition, the proposed rule does not limit the definition of handicapped persons to adults.

Homeless individual with mental disabilities. This term would be defined as a homeless individual who is a handicapped person and whose handicap is wholly or partially attributable to a mental or emotional impairment. This term would also include a homeless family, if the head of the family (or the spouse of the head of the family) is a homeless individual with mental disabilities.

Deinstitutionalized homeless individual. This term would be defined as a homeless individual with mental disabilities who has been discharged or released from a mental institution or hospital, a halfway house, transitional housing or a similar facilities providing housing and supportive services to its residents. This term would also include a homeless family, if the head of the family (or the spouse of the head of the family) is a deinstitutionalized homeless person.

Homeless family with children. This term means a homeless family that includes at least one parent and one child under the age of 18.

To recognize the priorities and set asides in the McKinney Act, and to provide regulatory flexibility for future changes to these priorities and set asides, § 840.207(b) would provide that HUD may establish separate funding competitions for specified categories of transitional housing projects, and would announce the funding categories and the amounts set aside for each category in the notice of fund availability under § 840.200.

2. *Permanent housing.* Part 841 would govern permanent housing for handicapped homeless persons.

(a) *Projects assisted.* The proposed rule at § 841.5 defines "permanent housing for handicapped homeless persons" as a project that provides community-based, long-term housing and supportive services for not more than eight handicapped homeless persons, and that is carried out by a project sponsor (see discussion of project sponsor below). The project must be either a group home designed solely for housing handicapped homeless persons, or dwelling units in a rental apartment building, a condominium project or a cooperative project. Like transitional housing, all or part of the supportive services may be provided directly by the recipient (or the project sponsor) or by arrangement with public or private service providers. The definition of supportive services would be similar for the permanent housing and transitional housing programs.

(b) *Applicants, recipients and project sponsors.* Under section 422(1) of the McKinney Act, the applicant for permanent housing must be the State in which the project is to be located. In accordance with section 422(9), the proposed rule would provide that recipient means an applicant that HUD approves as to financial responsibility and that executes the grant agreement with HUD. Like the transitional housing program, HUD has determined that the State-applicants are financially responsible (see § 841.210(b)(2)(ii)(A)).

Recipient responsibilities under the permanent housing component would be limited to the provision of funding assistance to a project sponsor for the operation of the permanent housing and the facilitation of the provision of supportive services to the residents of the housing. The project sponsor must operate the permanent housing for handicapped homeless persons, and provide (or coordinate the provision of) supportive services to the residents of the housing. Section 422(8) of the McKinney Act defines "project sponsor" as a private nonprofit organization that the Governor or other chief executive official of the State approves as to financial responsibility. The proposed rule incorporates this requirement in the definition of project sponsor. "Private nonprofit organization" would have the same definition as proposed for transitional housing.

(c) *Program participants.* While transitional housing projects may serve any individual or family meeting the definition of homeless individual, permanent housing is limited to projects that serve handicapped homeless persons. In accordance with section 422(3) of the McKinney Act, § 841.5 of the proposed rule would provide that handicapped homeless person means a handicapped person who: (a) Is a homeless individual; (b) who is currently not a homeless individual but who is at risk of becoming a homeless individual; or (c) has been a resident of a transitional housing project assisted under the THDP Guidelines. (While the proposed regulation would not expressly provide that a handicapped person who has been a resident of transitional housing assisted under the SHD program is a "handicapped homeless person," these individuals would be considered to be "at risk" of becoming homeless and, thus, would qualify for admission to permanent housing.)

The definitions of handicapped person and homeless are the same for the transitional and permanent housing programs.

B. Assistance Provided Under the Programs

Assistance available under the transitional housing and permanent housing programs would include: (1) Advances to cover the cost of acquisition, substantial rehabilitation, or acquisition and rehabilitation of existing structures, (2) grants for moderate rehabilitation, (3) funding for operating costs (available for transitional housing only), and (4) technical assistance. HUD would not provide both an acquisition/rehabilitation advance and a moderate rehabilitation grant to a project, and would provide technical assistance only in connection with other types of assistance. The types of assistance are discussed below.

1. *Acquisition/rehabilitation advances.* Acquisition/rehabilitation advances would be available for both transitional housing and permanent housing. Advances would be limited to the lesser of $200,000 or 50 percent of the cost of acquisition, substantial rehabilitation, or acquisition and rehabilitation. These limitations on the size of the advance are the same as those prescribed in the THDP guidelines. The provisions governing advances are contained in the proposed rules at §§ 840.105 and 841.105.

2. *Moderate rehabilitation grants.* The SHD program would offer one type of assistance not available under the THDP guidelines: A grant for moderate rehabilitation. This assistance would be available for both transitional housing and permanent housing.

The Conference Report accompanying the McKinney Act stated "the conferees believe that moderate rehabilitation should be limited to modest rehabilitation activity the cost of which the Secretary determines is too low to necessitate an advance." (H. Rep. No. 174, 100th Cong., 1st Sess. 73 (1987)). The proposed rule would limit moderate rehabilitation grants to the lowest of: (1) $100,000; (2) an overall project limit based on the number of units of each type and unit costs applicable to each unit type; and (3) 50 percent of the aggregate cost of the rehabilitation. The proposed moderate rehabilitation grant provisions are contained at §§ 840.110 and 841.110 of the proposed rule.

(Section 841.110 does not include the $100,000 limitation for moderate rehabilitation grants because the overall project limit based on the unit cost and the maximum number of units that may be provided in permanent housing would never exceed this limit.)

3. *Funding for annual operating costs.* The third type of assistance is funding for annual operating costs. In accordance with the statute, this type of assistance is only available for transitional housing projects (see section 423(a)(4) of the McKinney Act). The propsed provisions governing the provision of operating cost assistance are similar to the THDP guidlines and are contained at §§ 840.115.

Like the THDP guidelines, the propsed rules provide the HUD will provide operating cost assistance for a maximum of five years of operating costs. While recipients of transitional housing assistance under the SHD program are required to provide housing and supportive services for a minimum of 10 years, rather than five years as required under the THDP guidelines, HUD continues to believe that the five-year limitation on operating cost funding is appropriate. The obligation of funds for a period in excess of five years would inapproprately constrict the number of projects funded and, thus, the number of homeless persons that may be served. Because the SHD program is a demonstration program, a limited number of funded projects could also result in a demonstration of an inadequate size to yield meaningful results to determine the utility of the program. The five-year term, on the other hand, would ensure a larger number of funded entities. In addition, individual recipients would be assured of a steady stream of income to meet their responsibilities under the program during the initial stages of operation—the time when, without a proven track record, attracting new funding would generally be most difficult. The Department believes that five years' operating subsidy should provide adequate time for recipients to develop a record of success and the private-sector financial contacts necessary for the continued operation of assisted programs.

4. *Technical assistance.* Technical assistance would be offered through HUD field offices. Proposed regulations, based on the technical assistance provisions contained in the THDP guidelines, are contained at §§ 840.120 and 841.115

5. *Limitations on the use of assistance.* Sections 840.125 (transitional housing) and 841.120 (permanent housing) would incorporate limitations on the use of assistance. These include: (1) Limitations on funding of existing housing facilities and programs; (2) maintenance of effort provisions; (3) provisions governing leased property and newly constructed properties; (4) limitations applicable to primarily religious organizations; (5) provisions governing the use of structures for multiple purposes; and (6) limitations on administrative costs. Except as noted below, the limitations on the use of assistance reflect similar limitations contained in the THDP Guidelines.

(a) *Maintenance of effort.* Sections 840.125(b) and 841.120(b) implement section 426(b) of the McKinney Act. The regulations would provide that no assistance received under the program (or State or local government funds used to supplement this assistance) may be used to replace funds provided in the area to be served by the applicant under any State or local government assistance program, if the funds provided under that assistance program:

—Were used to assist handicapped persons, homeless individuals, or handciapped homeless persons during the calendar year preceding the date of the application; or

—Were designated for such use through an official action of the applicable governmental entity during the calendar year preceding the date of the application.

Requirements for certification of compliance with this maintenance of effort provisions are imposed at §§ 840.205(b)(7) and 841.205(b)(7) and as threshold requirements at §§ 840.210(b)(5) and 841.210(b)(5).

For the purposes of the transitional housing program, the area to be served by the applicant is defined as: (1) The State, if the applicant is a State; (2) the metropolitan city, if the applicant is a metropolitan city; (3) the urban county, if the applicant is an urban county; (4) the tribal jurisdiction, if the applicant is a tribe; (5) cities and counties to be served by the project, if the applicant is a private nonprofit organization. For the purposes of the permanent housing program, the area to be served by the applicant is the State.

(b) *Primarily religious organizations.* The Conference report accompanying the McKinney Act stated,

> It is the intent of Congress that in creating programs administered by the Department * * * and in providing further assistance to the homeless under this Act, religious organizations and organizations with religious affiliations may receive federal funds if constitutional guidelines are followed and those funds are provided for secular purposes and kept separate from sectarian activities * * *" (H. Rep No. 174, 100 Cong., 1st Sess. 82–83 (1987).

The First Amendment of the Constitution provides that "Congress shall make no law respecting an establishment of religion." In accordance with this constitutional mandate, the United States Supreme Court has adopted certain principles, in the form of a three-pronged analysis, to be used when passing on the constitutionality of Federal assistance. First, the statute under which the assistance is to be provided must reflect a clearly secular purpose. Second, the statute must have a primary effect that neither advances nor inhibits religion. Third, the statute and its administration must avoid excessive governmental entanglement with religion. *Lemon* v. *Kurtzman*, 403 U.S. 602 (1971). Application of these principles sometimes has been extraordinarily difficult. Chief Justice Burger noted in the majority opinion in *Lemon* that the language in the First Amendment is "at best opaque." 403 U.S. 612.

The first prong—that the statute reflect a clearly secular purpose—generally is not problematic and does not pose a problem here. As enacted, the SHD program is designed to provide housing and supportive services to homeless individuals, clearly a secular purpose.

In constructing the reach of the second prong of the *Lemon* test, the Court in *Hunt* v. *McNair*, 413 U.S. 734 (1973) stated:

> Aid normally may be thought to have a primary effect of advancing religion when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission or when it funds a specifically religious activity in an otherwise substantially secular setting. *Id.* at 742.

Government assistance to a "pervasively sectarian" organization for any purpose, *secular or religious*, or the funding of a religious activity in secular surroundings, is thus generally viewed as "advancing religion" in violation of First Amendment principles.

The determination for constitutional compliance requires an examination of the extent to which religion pervades the functions of an institution. In considering the nature of "pervasively sectarian organizations," Justice Blackmun, a speaking for the majority in *Roemer* v. *Maryland Board of Education*, 426 U.S. 736 (1976) declared:

> To answer the question whether an institution is so 'pervasively sectarian' that it may receive *no* direct State aid of any kind, it is necessary to paint a general picture of the institution. *Id.* at 758.

Unquestionably, churches are "pervasively sectarian." Additionally, there are other fundamentally religious organizations that conform to the profile of a sectarian or substantially religious institution.

Having stated the above, we are of the opinion that direct assistance under the SHD program to churches and other primarily religious organizations to rehabilitate structures owned by them would be constitutionally impermissible under the second prong of the *Lemon* test—notwithstanding the secular use to which the structures would be put by such institutions under the program.

Even if this were not the case, the administrative oversight necessary to avoid impermissible religious influences in the use of such structures would most certainly involve an "excessive government entanglement" with religion in violation of the third prong of the test. As the Court stated in *Walz* v. *Tax Commission*, 397 U.S. 664 (1970), "a direct money subsidy would be a relationship pregnant with involvement and, as with most governmental grant programs, could encompass sustained and detailed administrative relationships for enforcement of statutory or administrative standards * * *" 397 U.S. at 675.

In 1983, in order to confirm the Department's understanding with respect to constitutional limitations (particularly with respect to the second and third prongs of the *Lemon* test), the Department requested guidance from the Department of Justice (DOJ) concerning the effect of Supreme Court Church/State decisions on HUD programs—specifically the section 202 Direct Loan Program and the Community Development Block Grant Program.

Under section 202 of the Housing Act of 1959, 12 U.S.C. 1701q, loans may be made to private nonprofit corporations, limited profit sponsors, consumer cooperatives, public bodies or agencies to develop housing for the elderly or handicapped. To allow religious organizations to participate as sponsors of 202 projects, HUD requirements provide that religious sponsors must establish private, secular nonprofit borrower corporations to obtain the loan and execute the mortgage as the legal owner of the project. The question posed to DOJ was whether the HUD requirements in this regard were constitutionally mandated. (In the context of issues raised in the SHD program, it is important to note that the section 202 housing program is an entirely secular activity in nature and purpose.)

DOG ruled that the creation of a separate secular borrowing entity in the section 202 program is constitutionally required. In reaching this result, DOJ concluded that if separate secular borrower entities were not established, direct and substantial aid would flow to churches, in violation of the Establishment Clause. The DOJ opinion states, "were section 202 loans given directly to churches or other fundamentally religious organizations, the principle that no aid at all go to institutions that are so 'pervasively sectarian' that secular activities cannot be separated from sectarian ones, see *Roemer* v. *Maryland Public Works Board*, 426 U.S. at 755, would by definition be violated."

The Community Development Block Grant Program was enacted in 1974 to consolidate a number of community development categorical grant programs. Over the course of the block grant program, a question was presented whether churches and church-owned property could be rehabilitated with block grant funds. Departmental advice was that such assistance could not be provided. This conclusion was based in part on *Committee for Public Education* v. *Nyquist*, 413 U.S. 756, 777 (1973), which states that "if the State may not erect buildings in which religious activities are to take place, it may not maintain such buildings or renovate them when they fall into disrepair."

The DOJ opinion concluded that HUD's longstanding policy of prohibiting CDBG funds to rehabilitate, maintain or restore churches reflects constitutional requirements and, further, that "*any* structure used to promote religious interests, regardless whether constructed for educational, charitable or whatever purposes, may not * * * receive federal assistance." (A subsequent DOJ opinion also confirmed the HUD position that the prohibition applies notwithstanding the fact that the structure has historic significance.)

In addressing the Church/State issue in the THDP Guidelines, HUD imposed certain requirements in response to the constitutional limitations discussed above. The requirements: (1) Provide that HUD will not select an application for funding for acquisition or rehabilitation of a structure to be owned or leased by a pervasively sectarian organization; (2) permit the funding of annual operating costs to a pervasively sectarian organization only if the organization provides housing and supportive services in a manner free from religious influences and in accordance with conditions described in the grant agreement; and (3) permit a pervasively sectarian organization to establish, and to apply for assistance on behalf of, an independent private nonprofit entity, and permit the provision of all forms of assistance to such an independent nonprofit entity.

In reviewing this matter, the Department has particularly been struck by the vital and unique role religious organizations play in providing help to homeless individuals in need of housing and supportive services. In view of this, every attempt has been made further to explore mechanisms to facilitate that role within the framework of the First Amendment Church/State principles outlined above. After thorough consideration, the Department believes that the THDP guidelines, with some additional clarification regarding the circumstances under which the Department will permit the rehabilitation of a structure that is owned or leased by a primarily religious organization, appropriately reflect these principles. The proposed rule at § 840.125(e) reflects the THDP Guidelines with these modifications. The proposed rule at §841.120(e) reflects the same principles, as modified to reflect the requirements of the permanent housing program.

(c) *Administrative costs.* Proposed §§ 840.125(g) and 841.120(g) would implement section 426(c) of the McKinney Act, which prohibits recipients from using more than five percent of an advance or a grant for administrative purposes. The THDP Guidelines do not address the use of assistance for such costs.

6. *Matching requirements.* Section 425 of the McKinney Act addresses matching funds requirements for the SHD program. The Act imposes substantially different matching requirements for transitional housing and permanent housing.

(a) *Transitional housing.* While the transitional housing demonstration program originally authorized in the Homeless Housing Act of 1986 imposed no matching requirements, the THDP Guidelines administratively imposed dollar-for-dollar matching requirements on all applicants. Section 425(a) of the McKinney Act codified requirements that transitional housing recipients must match the acquisition/rehabilitation advance and the moderate rehabilitation grant with an equal amount of funds from sources other than the SHD program. Except as noted below, the requirements of the THDP Guidelines are consistent with section 425(a), and would be retained in the proposed rule at § 840.130. While section 425(a) does not require a match for funding of annual operating costs, the proposed rule, like the THDP Guidelines, imposes

an administrative requirement for such a match.

Under the THDP Guidelines, "in-kind" contributions, except for leasehold and ownership interests in structures, were generally excluded from the matching computation. Section 425(a) of the McKinney Act expressly provides that a recipient may include the value of any donated material or building and the value of any lease on a building in calculating the amount of funds contributed by the recipient. Consistent with these provisions, the proposed rule addresses "in-kind" contributions at § 840.130(c).

(b) *Permanent housing.* Under section 425(b) of the McKinney Act, applicants seeking assistance for permanent housing (*i.e.*, States) must certify that they will supplement the assistant provided under the SHD program with at least an equal amount of State or local government funds. The State must certify that the State and local government funds are to be used solely for acquisition or rehabilitation, and that not more than 50 percent of these funds are local funds. The statute permits a waiver of this requirement if the State demonstrates to the satisfaction of the Secretary that the State is experiencing a severe financial hardship that makes it unable to provide an equal amount of funds, and that local governments in the area to be served by the project will contribute funds from other non-Federal sources in an aggregate amount equal to the amount of the State contribution that is waived. These matching requirements are included in the proposed rule at § 841.125.

7. *Assistance under other HUD programs.* Sections 840.135 and 841.130 discuss the assistance that is available under other HUD programs. The proposed sections would provide that:

—HUD will permit the use of additional assistance for supportive housing in connection with the program contained in Subtitle D of Title IV of the McKinney Act—Supplemental Assistance to Facilities to Assist the Homeless. (HUD published a notice implementing this program on October 19, 1987, 52 FR 38880.).

—HUD will not assist a project under the SHD program if the project involves a structure that is assisted, or if residents of the structure will receive assistance, under the United States Housing Act of 1937; section 202 of the Housing Act of 1959; section 221(d)(3)(BMIR) or section 236 of the National Housing Act; or section 101 of the Housing and Urban Development Act.

—HUD-owned properties will be made available to applicants under described circumstances. (Similar provisions governing the availability of HUD-owned properties were included in the THDP Guidelines).

The THDP Guidelines indicated that HUD would provide Housing Vouchers under section 8(o) of the United States Housing Act of 1937 to eligible persons upon their departures from transitional housing. The original appropriation for the transitional housing demonstration program was $5 million. The appropriation for the SHD program in the Supplemental Appropriations Act, 1987 was increased to $80 million (including $65 million for transitional housing and $15 million for permanent housing). Funding for vouchers, by contrast, has remained relatively constant. Due to the increased size of the SHD program and the limited resources available for vouchers, this rule proposes the deletion of the voucher provision. The proposed rule does not preclude a PHA from providing vouchers under such circumstances, if the provision of the vouchers is consistent with the final rule on preferences for persons involuntarily displaced, living in substandard housing, or paying more than 50 percent of income for rent (FR–1597). (HUD anticipates that the final rule on preferences will be issued shortly.

C. Comprehensive Homeless Assistance Plans

Subtitle A of Title IV of the McKinney Act contains requirements for Comprehensive Homeless Assistance Plans (Plans or CHAPs). Section 401(a) states that no assistance may be made available under Title IV (including the SHD program) to, or within the jurisdiction of, States or metropolitan cities or urban counties that are eligible for a formula grant under the Emergency Shelter Grants program (Subtitle B of Title IV), unless the jurisdiction has a HUD-approved Plan. Under sections 401(f) and 424(a)(2)(E) of the McKinney Act, applications for assistance under the SHD program must contain a certification by the public official responsible for submitting the Plan for the State or formula grant city or county in which the proposed activities are to be carried out, stating that the proposed activities are consistent with the Plan.

On August 14, 1987 (52 FR 30628), the Office of the Assistant Secretary for Community Planning and Development published a notice addressing CHAP requirements. This notice contained the requirements for submission and approval of CHAPs, and listed the headquarters contact for futher information, assistance and guidance. The notice announced that the deadline for submitting CHAPs to HUD for approval was September 28, 1987 and announced that HUD's statutory deadline for CHAP approval is November 27, 1987. CHAP review, processing and approval is handled by HUD's Community Planning and Development (CPD) offices in the field. CHAP information is also available from those offices.

In accordance with these CHAP-related requirements, the proposed rule at §§ 840.150 and 841.150: (1) States that HUD will publish requirements for the submission and approval of Plans in the **Federal Register**; (2) contains prohibitions against the provision of assistance, unless there is a HUD-approved Plan for the appropriate jurisdiction; and (3) explains which jurisdiction must have a HUD-approved Plan for each type of eligible applicant. For permanent housing, the proposed rule would provide that assistance may be made available only if the State has an approved Plan. The proposed rule for transitional housing reflects the jurisdictional requirements contained in the September 3, 1987 notice of fund availability (52 FR 33537–38). Requirements for the submission of an appropriate certification with the application are contained at §§ 840.205(b)(4) and 841.205(b)(4). (Also see §§ 840.210(b)(4)(v)(B) and 841.210(b)(4)(vi)(B)—Threshold requirements.)

D. Application and Selection Process

1. *Notice of fund availability.* Proposed §§ 840.200 and 841.200 state that HUD will publish a notice of fund availability when funds are made available for assistance under the programs. These sections also contain content requirements for the notice. (As noted in section II above, HUD has already published a notice announcing the availability of funds under the Supplemental Appropriations Act, 1987 for the transitional housing component of the SHD program and has provided that today's notice announces the availability of funds under the appropriations act for the permanent housing component of the program.)

2. *Application requirements.* Under §§ 840.205 and 841.205, applicants would be required to submit applications in the form and within the time periods established by HUD. These proposed sections also describe the minimum requirements that HUD will impose.

3. *Selection process.* Under the THDP Guidelines, HUD used a four-stage selection process. The proposed rules for the SHD program would retain this

four-stage process. The selection process consists of the following stages:

(a) *Threshold stage.* HUD would review all applications to determine if they meet stated threshold criteria.

The threshold criteria for *transitional housing* (§ 840.210) are:

—The appliction must be on the application form prescribed by HUD and filed within the time periods established in the notice of fund availability.

—The applicant must demonstate that it is eligible to receive assistance, is financially responsible, has the capacity to carry out proposed activities within a reasonable time after grant execution and in a successful manner, and has appropriate legal authority to participate in the program.

—The application must be on the requirements for matching contributions and provide appropriate documentation of the sources and amounts of the matching funds.

—The applicant must demonstrate that: (1) There is an unment need for the proposed transitional housing, (2) the proposed supportive services appropriately address the needs of the homeless population to be served, (3) the proposed structures and sites are appropriate for the provision of housing and supportive services, (4) the applicant has site control, the use of the site is permissible under applicable zoning ordinances and regulations (or the required zoning actions will be completed successfully within 4 months following the submission of the application), and the site meets described floodplain requirements, (5) the use of the site is consistent with local governmental plans and the proposed project is consistent with the applicable Comprehensive Homeless Assistance Plan, and (6) the proposed activities will not result in the temporary or permanent displacement of any person or entity.

—The applicant has provided a maintenance of effort certification.

—The proposal, when viewed as a whole, is operationally feasible and provides adequate housing and supportive services to serve the purposes of the program.

The threshold criteria for the transitional housing program are based on the THDP Guidelines with modifications necessary to reflect the changes contained in the McKinney Act. There has been one additional major change, addressing historic preservation requirements. Under the THDP Guidelines, as modified on July 13, 1987 (52 FR 26137), applicants were required to provide a letter from the State Historic Preservation Officer indicating that no project funded under the program would involve an historic property as defined in 36 CFR 800.2(e), or would involve a structure that is immediately adjacent to a historic property that is listed on the Register of Historic Places. In HUD's September 3, 1987 notice of fund availability (52 FR 33536), HUD deleted this threshold criterion and stated that it would meet its responsibilities under the National Historic Preservation Act and related authorities as part of its environmental review performed in the third stage of the selection process (see discussion below). The proposed rule reflects the changes contained in the September 3, 1987 notice.

The threshold criteria for the *permanent housing* program (§ 841.210) are substantially identical to the transitional housing threshold criteria with modifications necessary to determine the eligibility, financial responsibility, operating capacity, and legal authority of the project sponsor, the duty of the state-recipient to transmit assistance to the project sponsor and to facilitate the provision of necessary supportive services, the different matching requirements imposed in the permanent housing program, and limitations on the number of residents in permanent housing projects.

(b) *Ranking stage.* In the second stage of the selection process, HUD would evaluate the applications that meet the threshold criteria and place these applications in priority order based on stated ranking criteria.

The ranking criteria for the *transitional housing* program address the applicants relative capacity to carry out program activities; the innovative quality of the proposal; the extent to which the applicant will coordinate the provision of supportive services through other public or private entities; the extent to which the applicant will exceed the 50 percent matching requirement; and the relative cost reasonableness and effectiveness of the proposal. (See § 840.215.)

These ranking criteria are the same as the ranking criteria contained in the THDP Guidelines, with three exceptions. First, HUD has eliminated the consideration of the applicant's relative ability to establish and operate the proposed transitional housing for the term of the commitment to HUD with the finances that are or are reasonably expected to be available to it. HUD believes that such capacity is more appropriately considered under the feasibility of the project under the threshold criteria. Second, in accordance with section 424(b)(5), HUD has added the consideration of cost effectiveness as a ranking criterion. Third, HUD has revised one of the factors that it will consider in determining the innovative quality of the proposal. Under the THDP Guidelines, HUD reviewed the proposal to determine the degree to which it uses an approach to transitional housing that is new or unusual *in the area to be served by the applicant.* Under the proposed rule, HUD would merely determine the degree to which the proposal uses an approach to transitional housing this is new or unusual, without the limitation that it must be new or unusual in the area to be served by the applicant.

The ranking criteria under the *permanent housing* program are: The relative ability of the project sponsor to carry out activities under the program; the innovative quality of the proposal; the extent to which the applicant will exceed its 50 percent matching requirement; the relative cost reasonableness and cost effectiveness of the proposal; and the extent to which the project will meet the needs of handicapped homeless persons in the State. (See § 841.215.)

The permanent housing ranking criteria are based on the transitional housing ranking criteria, with modifications appropriate to reflect the goals of the permanent housing program. For example, in accordance with section 424(b)(6) of the McKinney Act, HUD would rank the applications based on the extent to which the proposed project would meet the needs of handicapped homeless persons in the State, as described in the State assessment of this need.

The permanent housing ranking criteria also exclude the consideration of the extent to which the applicant will coordinate the provision of supportive services through other public or private entities. This criterion was imposed in the transitional housing program to ensure that, to the maximum extent possible, applicants would provide supportive services without using HUD funds provided under the program. Since HUD will not provide any operating costs under the permanent housing program, and therefore will not pay for any supportive services, this ranking criterion is unnecessary.

(c) *Environmental review.* In the third stage of the selection process, HUD will perform a review in accordance with the National Environmental Policy Act and HUD's environmental regulations at 24 CFR Part 50 on a number of highly ranked applications. Additionally, HUD may revise the rating scores awarded during the ranking stage to reflect facts that are disclosed during environmental

review. Environmental review is the same for transitional and permanent housing. (See §§ 840.220 and 841.220.)

(d) *Final selection.* HUD would select for funding the highest-rated applications that advance from the environmental review (with any rating adjustments), but reserves the right to fund other applications that successfully completed the environmental review, if such funding is necessary to ensure reasonable diversity in the demonstration. Final selection procedures are substantially the same for the transitional and permanent housing programs, except that HUD would not consider project size in the permanent housing final selection process. (Under § 841.325, the range of project sizes for permanent housing would be limited.) The final selection procedures are contained at §§ 840.225 and 841.225.

E. Program Requirements

1. *Grant agreement.* The duty to provide supportive housing in accordance with the program requirements would be incorporated in a grant agreement executed by HUD and the recipient. HUD would enforce the obligations in the grant agreement through actions on the contract. Additionally, restrictions regarding the use of structures would be contained in covenants recorded in the land records of the jurisdiction where the structure is located. (See §§ 840.300 and 841.300)

2. *Required agreements.* Section 840.305 and 841.305 would require each recipient of transitional housing assistance to agree, and each State in the permanent housing program to require the project sponsor to agree: (1) To operate a project providing supportive housing; (2) to assess the supportive services required by residents on an ongoing basis; (3) to provide residential supervision; (4) to provide supportive housing for not less than 10 years; (5) to provide safe and sanitary housing and to comply with all State and local housing codes, licensing requirements, and related requirements; (6) to keep records and reports that HUD may require.

As noted above, all recipient (or project sponsors) must agree to provide safe and sanitary housing and to comply with all State and local housing codes, licensing requirements and related requirements. Section 422(12) of the statute permits HUD to preempt State or local housing codes or licensing requirements "when appropriate." HUD is currently unaware of a situation in which it would be "appropriate" to permit a violation of such State or local housing codes or licensing requirements. Accordingly, HUD has declined to preempt any code or requirement in this document. HUD will, however, consider the desirability of preemption action if circumstances in individual States and localities warrant it. The grant agreement would contain appropriate language regarding possible future HUD preemption action. (The rule would, however, retain the provision in the THDP Guidelines preempting State and local laws that have the effect of prohibiting recipients from discharging residents from transitional housing at the end of the HUD-approved limit on the stay of residents in the housing.)

3. *Term of commitment.* Section 840.310(a) and 841.310(a) address the term of the recipient's commitment to HUD. These sections require that all projects must be operated as supportive housing for a term of at least 10 years. Under related provisions §§ 840.205(b)(6) and 841.205(b)(6), applicants would be required to provide assurances that the project assisted will be operated for not less than 10 years. By contrast, the Homeless Housing Act of 1986 and the THDP guidelines required all recipients to agree to operate housing for only a five year period following the date of occupancy.

Section 840.310(c) and 841.310(c) would govern HUD approval of successor operators. Paragraph (d) of these sections would address the calculation of the term of the commitment.

4. *Repayment of advance.* Sections 840.310(b) and 841.310(b) implement requirements for the repayment of acquisition/rehabilitation advances. Under section 423(b) of the McKinney Act, recipients must repay the entire advance if the project is used as supportive housing for less than 10 years. The Act provides for a 10 percent reduction in the amount of the advance for each year that the project is used for supportive housing beyond this initial 10-year period. For the purposes of the repayment provision, a project would be treated as supportive housing if HUD determines that the project is no longer needed for use as supportive housing and approves the use of the project for the direct benefit of lower income persons. (There repayment provisions differ from the requirements under the THDP Guidelines. Under the Guidelines, repayment of advances is required if the structure is not used as transitional housing, or for a HUD-approved charitable use, for 10 years after initial occupancy. There is no repayment obligation after 10 years.)

5. *Prevention of undue benefits.* Section 423(c) provides that upon the disposition of a project acquired or rehabilitated with assistance provided under the SHD program, the Secretary must take steps to prevent the recipient from unduly benefitting from the disposition. An exception is made for a disposition resulting in the use of the project for the direct benefit of lower income persons or where all of the proceeds are used to provide supportive housing. These requirements are included in the proposed rule at §§ 840.315 and §§ 841.315 (The THDP Guidelines do not have similar provisions.)

6. *Number of residents.* Under the permanent housing program, the number of handicapped homeless persons that may be assisted in a project is limited to eight. Proposed § 841.324 provides that projects consisting of dwelling units in a rental building, a condominium, or a cooperative may not serve more than eight handicapped homeless persons, and the families of the eight homeless persons. Groups homes would not be permitted to serve more than eight handicapped homeless persons and may not serve the families of the handicapped homeless persons. The proposed rule would not place any limitation on the number of residents that may be assisted in transitional housing.

7. *Miscellaneous program requirements.* The proposed rules for transitional housing and permanent housing contain several provisions governing program requirements that are similar to the THDP Guidelines. These include provisions that govern: Casualty insurance (§§ 840.312 and 841.312); eminent domain (§§ 840.313 and 841.313); resident rent (§§ 840.320 and 841.320); resident discharge from transitional housing (§§ 840.325); and the applicability of other civil rights and Federal requirements (§ 840.330 and 841.330). The requirements implementing the Lead Based Paint Poisoning Prevention Act (42 U.S.C 4821–4846) (contained in §§ 840.330(d) and 841.330(d)) reflect the Section 8 Existing Housing regulations (24 CFR 882.109) (published in the **Federal Register** on January 15, 1987, 52 FR 1876, 1893–94), and the Lead Based Paint requirements contained in the THDP Guidelines.

F. Administration

Subpart F of the proposed rule would govern the obligation of funds, increases to the amount obligated, and deobligation of funds. These provisions parallel similar provisions contained in the THDP Guidelines, with one major exception. Under §§ 840.440(c)(5) and 841.400(c)(4), when funds are deobligated, HUD would be permitted to

readvertise the availability of funds under §§ 840.200 or 841.200, or to reconsider applications that were submitted for the program under the most recently published notice of fund availability and select applications for funding with the deobligated funds.

IV. Application Process—Permanent Housing

As described in section II., above, one of the purpose of this notice is to announce that the requirements contained in the proposed rule will govern the permanent housing program until final regulations are issued, and to announce the availability of $15 million in funds for permanent housing appropriated under the Supplemental Appropriations Act, 1987.

HUD will develop an application package prescribing the information that permanent housing applicants must submit. On or after December 1, 1987, the application package will be provided upon the written or oral request of any party made to the Office of Elderly and Assisted Housing at the address set forth in the beginning of this document, or by calling (202) 755–8232. Hearing or speech impaired individuals may call HUDs TDD number (202) 426–0015. (These telephone numbers are not toll-free.) Applications must be on the form prescribed by HUD and must be received at that address by 5:15 p.m. (E.S.T.) March 31, 1988. Late-filed applications will be rejected.

Following the expiration of the March 31, 1988 deadline, HUD headquarters will review, rate and rank the applications consistent with the selection procedures described at §§ 841.207–841.225. HUD will make its final selections as soon as possible following the submission of applications. No information regarding the status of applications will be released until final selections are made.

V. Findings and Certifications

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The program should have little impact on small government entities since only larger government entities (*i.e.*, urban counties, metropolitan cities or States) are eligible recipients. To the extent that small private nonprofit organizations may participate as recipients or project sponsors, HUD believes that the overall number of affected small entities will be insubstantial, based on the limited amount of authority budgeted for the program and the aniticipated level of participation by larger governmental and private nonprofit entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 27, 1987 (52 FR 14362) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.178.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). No person may be subjected to penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced in the **Federal Register**.

List of Subjects

24 CFR Part 840

Grant programs—housing and community development, Housing, Homeless.

24 CFR Part 841

Grant programs—housing and community development, Housing, Handicapped, Homeless.

For the reasons set forth in the preamble, Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 840 would be added to read as follows:

PART 840—TRANSITIONAL HOUSING

Subpart A—General

Sec.

840.1 Applicability and scope.
840.5 Definitions.

Subpart B—Assistance Provided

840.100 Types of assistance.
840.105 Acquisition/rehabilitation advances.
840.110 Moderate rehabilitation grants.
840.115 Funding for annual operating costs.
840.120 Technical assistance.
840.125 Limitations on use of assistance.
840.130 Matching requirements.
840.135 Assistance under other HUD programs.

Subpart C—Comprehensive Homeless Assistance Plan

840.150 Comprehensive Homeless Assistance Plan.

Subpart D—Application and Selection Process

840.200 Notice of fund availability.
840.205 Application requirements.
840.207 Selection process.
840.210 Threshold requirements.
840.215 Ranking criteria.
840.220 Environmental review.
840.225 Final selection.

Subpart E—Program Requirements

840.300 Grant agreement.
840.305 Required agreements.
840.310 Term of commitment and repayment of advance.
840.312 Casualty insurance.
840.313 Eminent domain.
840.315 Prevention of undue benefits.
840.320 Resident rent.
840.325 Resident discharge.
840.330 Applicability of other Federal requirements.

Subpart F—Administration

840.400 Obligation of funds, funding amendments, and deobligation.

Authority: Sec. 426, Stewart B. McKinney Homeless Assistance Act (Pub. L. 100–77); sec 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General

§ 840.1 Applicability and scope.

(a) *General.* The Supportive Housing Demonstration program contained in Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act is designed to develop innovative approaches for providing supportive housing, especially to deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons. It is designed to determine:

(1) The cost of acquisition, rehabilitation, acquisition and rehabilitation, or leasing of existing

structures for the provision of supportive housing;

(2) The cost of operating such housing and providing supportive services to the residents of such housing;

(3) The social, financial, and other advantages of such housing as a means of assisting homeless individuals; and

(4) The lessons that the provision of supportive housing might have for the design and implementation of housing programs that serve homeless individuals and families with special needs, particularly deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons.

A central purpose of the Supportive Housing Demonstration program is to provide supportive housing for deinstitutionalized homeless individuals and other homeless individuals with mental disabilities.

(b) The Supportive Housing Demonstration program consist of two components: Permanent housing for handicapped homeless persons and transitional housing. This part implements the transitional housing component of the program. Part 841 provides for a program to assist in providing permanent housing for handicapped homeless persons.

§ 840.5 Definitions.

As used in this part:

Applicant means a State, metropolitan city, urban county, tribe, or private nonprofit organization that submits an application for assistance under this part. Applicant includes two or more of these entities that submit a joint application.

Comprehensive Homeless Assistance Plan or *Plan* means the Comprehensive Assistance Plan established by Subtitle A of Title IV of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100–77, approved July 22, 1987).

Deinstitutionalized homeless individual means a homeless individual with mental disabilities who has been discharged or released from a mental institution or hospital, a halfway house, transitional housing or similar facilities providing housing and supportive services to its residents. This term includes a homeless family, if the head of the family (or the spouse of the head of the family) is a deinstitutionalized homeless individual.

ESG formula city or county means a metropolitan city or urban county that is eligible to receive a formula allocation under the Emergency Shelter Grants program established by Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act.

Handicapped or *Handicapped person* means any individual having an impairment that is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that the ability to live independently could be improved by a stable residential situation. This term includes:

(a) An individual who is developmentally disabled, *i.e.*, an individual who has a severe chronic disability that:

(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) Is manifested before the person attains age 22;

(3) Is likely to continue indefinitely;

(4) Results in substantial functional limitations in three or more of the following areas of major life activity:

(i) Self-care,

(ii)Receptive and expressive language,

(iii) Learning,

(iv) Mobility

(v) Self-direction,

(vi) Capacity for independent living, and

(vii) Economic self-sufficiency; and

(5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

(b) An individual who is chronically mentally ill, *i.e.*, an individual who has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently (*e.g.*, by limiting functional capacities relative to primary aspects of daily living such as personal relations, living arrangement, work, or recreation), and whose impairment could be improved by more suitable housing conditions.

(c) A handicapped person who also suffers from alcoholism or drug addiction.

Homeless means:

(a) An individual or family that lacks a fixed, regular, and adequate nighttime residence; or

(b) An individual or family that has a primary nighttime residence that is:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law.

Homeless family with children means a homeless family that includes at least one parent, and one child under the age of 18.

Homeless individual with mental disabilities means a homeless individual who is a handicapped person and whose handicap is wholly or partially attributable to a mental or emotional impairment. This term includes a homeless family, if the head of the family (or the spouse of the head of the family) is a homeless individual with mental disabilities.

HUD means the Department of Housing and Urban Development.

Metropolitan city means a city that is classified as a metropolitan city under section 102(a)(4) of the Housing and Community Development Act of 1974. In general, metropolitan cities are those cities that are eligible for an entitlement grant under 24 CFR Part 570, Subpart D.

Moderate rehabilitation means the rehabilitation of a project involving a total HUD expenditure that does not exceed the limitations described under § 840.110.

Operating costs means expenses that a recipient incurs for:

(a) The administration, maintenance, minor or routine repair, security and rental of the housing;

(b) Utilities, fuel, furnishings, and equipment for the housing;

(c) Conducting resident supportive services needs assessments (see § 840.305(b)); and

(d) The provision of supportive services to the residents of the housing. This term does not include expenses that a recipient incurs for debt service in connection with a loan used to finance acquisition or rehabilitation costs under the program.

Private nonprofit organization means a secular or religious organization, no part of the net earnings of which may inure to the benefit of any member, founder, contributor, or individual. The organization must:

(a) Have a voluntary board;

(b)(1) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles; or

(2) Designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles; and

(c) Practice nondiscrimination in the provision of assistance under the

transitional housing program in accordance with the authorities described in § 840.330(a).

Project means one or more existing structures, or parts of one or more existing structures, owned (or leased) by a recipient for use in connection with transitional housing.

Recipient means an applicant that HUD approves as to financial responsibility and that executes a grant agreement with HUD to provide transitional housing. The recipient must operate transitional housing, and provide (or coordinate the provision of) supportive services to the residents of the housing.

Rehabilitation means labor, materials, tools, and other costs of improving structures to a level that meets or exceeds applicable State and local government health and safety standards. Rehabilitation includes repairs directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, and improvement through alterations or additions to, or enhancement of, existing structures, including improvements to increase the efficient use of energy in structures. Rehabilitation does not include minor or routine repairs or cosmetic repairs or improvements.

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

Substantial rehabilitation means the rehabilitation of a project that involves a total HUD expenditure in excess of the limitations described under § 840.110.

Supportive services means services provided to residents of transitional housing. Supportive services must be proposed by the applicant in its application and approved by HUD; must address the special needs of the homeless to be served by the project (such as deinstitutionalized homeless individuals, homeless families with children, homeless individuals with mental disabilities and other handicapped homeless persons); and must assist in accomplishing the purposes of transitional housing. Supportive services may include:

(a) Assistance in obtaining permanent housing;

(b) Medical and psychological counseling and supervision;

(c) Employment counseling;

(d) Nutritional counseling;

(e) Assistance in obtaining other Federal, State, and local assistance available for residents of transitional housing facilities, including mental health benefits; employment counseling; medical assistance; Veterans' benefits; and income support assistance, such as Supplemental Security Income benefits, Aid to Families with Dependent Children, General Assistance, and Food Stamps; and

(f) Other services, such as child care, transportation, job placement and job training.

Transitional housing means a project assisted under this part:

(a) That provides housing and supportive services to homeless persons; and

(b) That has as its purpose facilitating the movement of homeless individuals to independent living within a reasonable amount of time, not to exceed 18 months for any homeless individual.

All or part of the supportive services may be provided directly by the recipient or by arrangement with public or private service providers.

Transitional housing means housing that is designed to serve the homeless including (but not limited to): Deinstitutionalized homeless individuals, homeless individuals with mental disabilities, homeless families with children, homeless runaway children, homeless victims of domestic violence, the homeless unemployed, or appropriate combinations of these populations.

Tribe means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska Native Village, of the United States, considered an eligible recipient under the Indian Self Determination and Education Assistance Act (Pub. L. 93–638) or under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512).

Urban county means a county that is classified as an urban county under section 102(a)(6) of the Housing and Community Development Act of 1974. In general, urban counties are those counties that are eligible for an entitlement grant under 24 CFR Part 570, Subpart D.

Subpart B—Assistance Provided

§ 840.100 Types of assistance.

(a) *Assistance available.* Four types of assistance are available for transitional housing: Acquisition/rehabilitation advances, moderate rehabilitation grants, funding for annual operating costs, and technical assistance.

(b) *Eligibility for more than one type of assistance.* Applicants may be eligible for one or any combination of the types of assistance, except that HUD will not award both a moderate rehabilitation grant and an acquisition/rehabilitation advance to a recipient, and will offer technical assistance only in connection with other assistance under this part.

§ 840.105 Acquisition/rehabilitation advances.

(a) *Use.* HUD will advance sums to recipients to defray the cost of the acquisition, substantial rehabilitation, or acquisition and rehabilitation of existing structures selected by the recipients for use in the provision of transitional housing.

(b) *Amount.* The acquisition/rehabilitation advance may not exceed the lesser of:

(1) $200,000; or

(2) 50 percent of the aggregate cost of acquisition, substantial rehabilitation, or acquisition and rehabilitation (see § 840.130 for a full discussion of the 50 percent matching requirement).

(c) *Terms of the Advance.* Advances are interest-free, and if the conditions described in § 840.310 are met, are not subject to repayment. The sale or disposition of a structure acquired or rehabilitated with an advance is subject to the requirements of § 840.315.

§ 840.110 Moderate rehabilitation grants.

(a) *Use.* HUD will make grants to recipients to defray the cost of rehabilitation of existing structures selected by the recipients for use in the provision of transitional housing.

(b) *Amount.* (1) The moderate rehabilitation grant may not exceed the lowest of

(i) $100,000;

(ii) The project limit; or

(iii) 50 percent of the cost of rehabilitation (see § 840.130 for a full discussion of the 50 percent matching requirement).

(2) For the purposes of this section, "project limit" means the amount determined by HUD by multiplying the number of units of each unit type in the project times the unit cost for that unit. The cumulative total for all unit types is the project limit. The unit cost limits are:

(i) $5,000 (A) per bedroom unit, in single room occupancy housing (*i.e.*, a unit which contains no sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and which is suitable for occupancy by a single individual);

(B) Per bedroom unit, in a group home; or

(C) Per unit without a bedroom in other types of projects; and

(ii) $7,000 per unit with one or more bedrooms, in other types of projects.

(c) *Terms of the grant.* The sale or disposition of a structure rehabilitated with a grant under this section is subject to the requirements of § 840.315.

§ 840.115 Funding for annual operating costs.

(a) *General.* HUD will provide funding of up to 50 percent of the annual operating costs of transitional housing. (See § 840.130 for a full discussion of the 50 percent matching requirement.)

(b) *Commitment of amounts for operating costs.* Upon approval of an application requesting operating cost assistance, HUD will obligate amounts for the period sought, not to exceed five years. Each annual funding level will be equal to an amount not to exceed the recipient's estimate of operating costs for the first year of operation, less the recipient's matching contribution. Each year, for up to five years, HUD will make operating cost payments to the recipient from the amounts obligated. The annual funding level will be subject to reduction under § 840.400.

§ 840.120 Technical assistance.

Technical assistance will be offered only in connection with an award of funds under § 840.105, § 840.110 or § 840.115. Technical assistance is offered to recipients through HUD field offices in such matters as the computation of resident rent under § 840.320, compliance with other Federal requirements under § 840.330, the identification of Federal housing assistance resources that may be available to residents upon their departure from transitional housing, and engineering recommendations and other advice on rehabilitation plans and work write-ups. HUD will also facilitate the exchange of information among recipients, and help recipients to learn from the experience of other participants in the program.

§ 840.125 Limitations on use of assistance.

(a) *Funding of existing housing facilities and programs.* (1) HUD will not provide acquisition/rehabilitation advances, moderate rehabilitation grants or funding for annual operating costs for exisitng facilities or programs that currently serve homeless persons, unless the applicant proposes:

(i) A substantial increase in the number of homeless persons for whom transitional housing will be provided;

(ii) A substantial increase in the level of supportive services to be provided to homeless persons; or

(iii) A substantial change in the use of existing facilities, *e.g.,* if existing facilities for the homeless that are not currently used for transitional housing (such as an emergency shelter for the homeless) will be used to provide transitional housing, or if an applicant currently providing transitional housing for one population of homeless persons proposes to serve an additional or alternative segment of the homeless population.

(2) If an application seeking funding of existing housing facilities or programs is selected, assistance under this program will be limited to 50 percent of the cost of the increased operating costs, 50 percent of the increased cost of acquisition/rehabilitation, or 50 percent of the cost of moderate rehabilitation, attributable to the increased number of homeless persons for whom transitional housing would be provided, the increased level of supportive services to be provided, or the change in use.

(b) *Maintenance of effort.* (1) No assistance received under this part (or any State or local government funds used to supplement this assistance) may be used to replace funds provided in the area to be served by the applicant under any State or local government assistance program, if the funds provided under the State or local government assistance program were used to assist handicapped persons, homeless individuals, or handicapped homeless persons (as defined in § 841.5 of this title) during the calendar year preceding the date of the application, or were designated for such use through an official action of the applicable governmental entity during the calendar year preceding the date of the application.

(2) For the purposes of this section, the area to be served by the applicant is:

(i) The State, if the applicant is a State;

(ii) The metropolitan city, if the applicant is a metropolitan city;

(iii) The urban county, if the applicant is an urban county;

(iv) The tribal jurisdiction, if the applicant is a tribe; and

(v) Cities and counties to be served by the project, if the applicant is a private nonprofit organization.

(c) *Leases.* (1) Acquisition/rehabilitation advances are not available to defray the costs of acquiring a lease on existing property.

(2) Acquisition/rehabilitation advances and moderate rehabilitation grants are available for the rehabilitation of leased property. To receive an acquisition/rehabilitation advance or a moderate rehabilitation grant, the lease must run for a term of at least 10 years after the date of initial occupancy of the housing.

(d) *New construction.* Assistance under this part may not be used for the new construction of housing. Assistance is limited to transitional housing provided in exisitng structures.

(e) *Primarily religious organizations—* (1) *Provision of assistance.* (i) HUD will not provide assistance to a recipient that is a primarily religious organization, unless the organization agrees to provide housing and supportive services in a manner that is free from religious influences and in accordance with other conditions described in the grant agreement.

(ii) HUD will not provide assistance to a recipient that is a primarily religious organization, if the assistance will be used by the organization to acquire a structure or will be used to rehabilitate a structure owned by the organization.

(2) *Transitional housing provided in structures owned by a primarily religious organization.* An acquisition/rehabilitation advance and the moderate rehabilitation grant may not be used to rehabilitate a structure owned by a primarily religious organization, unless:

(i) The structure (or portion of the structure) that is to be rehabilitated with the HUD assistance has been leased) to a recipient that is a wholly secular organization.

(ii) The HUD assistance is provided to the recipient to make the improvements, rather than to primarily religious organization;

(iii) The leased structure will be used exclusively for secular purposes available to all persons regardless of religion;

(iv) The lease payments provided to the primarily religious organization do not exceed the fair market rent of the structure without the rehabilitation;

(v) The cost of improvements that benefit the portion of the structure that is not leased by the recipient for the provision of transitional housing will be allocated to and paid for by the primarily religious organization; and

(vi) The primarily religious organization agrees that if the recipient does not retain the use of the leased premises for wholly secular purposes for the useful life of the improvements, the primarily religious organization will pay an amount equal to the residual value of the improvements to the recipient and the recipient will remit the amount to HUD.

(3) *Assistance to a wholly secular private nonprofit organization established by a primarily religious organization.* (i) A primarily religious organization may establish a wholly

secular private nonprofit organization to serve as a recipient. This wholly secular organization may be eligible to receive all forms of assistance available under this part.

(A) The wholly secular organization must agree to provide housing and supportive services in a manner that is free from religious influences and in accordance with other terms described in the grant agreement.

(B) The wholly secular organization may enter into a management contract with the primarily religious organization to operate the facility, including the provision of supportive services. In such a case, the primarily religious organization must agree in the management contract to carry out its contractual responsibilities in a manner free from religious influences and in accordance with conditions prescribed by HUD.

(C) The acquisition/rehabilitation advance and the moderate rehabilitation grant are subject to the requirements of paragraph (e)(2) of this section.

(ii) HUD will not require the primarily religious organization to establish the wholly secular organization before the selection of its application. In such a case, the primarily religious organization may apply on behalf of the wholly secular organization. The application will be reviewed on the basis of the primarily religious organization's financial responsibility and capacity, and its commitment to provide appropriate resources to the wholly secular organization after formation (see §§ 840.210(b)(2)(ii) and (b)(2)(iii) and 840.215(b)(1)). Additionally, the primarily religious organization must demonstrate site control under § 840.210(b)(4)(iv)(A) and a commitment to transfer control of the site to the wholly secular organization after its formation. Since the wholly secular organization will not be in existence at the time of the application, it will be required to demonstrate that it meets the definition of private nonprofit organization and has the appropriate legal authority to participate in the program following selection (see § 840.210(b)(2)(i) and (b)(2)(iv)). If such an application is selected for funding, the obligation of funds will be conditioned upon the compliance with these requirements.

(f) *Structures used for multiple purposes.* Structures used to provide transitional housing may also be used for other purposes. For example, a structure may contain facilities for an emergency shelter as well as transitional housing, may be used to provide supportive services to the public at large, or may include commercial space. Under these circumstances, however, the acquisition/rehabilitation advance and the moderate rehabilitation grant will be available only in proportion to the use of the structure for transitional housing, and the funding for annual operating costs will be available only to support the costs that are related to the transitional housing to be provided. If the applicant holds, or is donated, an interest in a structure and the structure will be used for multiple purposes, only that portion of the value of the structure that will be used for transitional housing may be included in the computation of the applicant's matching computation under § 840.130.

(g) *Administrative costs.* No more than five percent of an acquisition/rehabilitation advance or moderate rehabilitation grant provided under this part may be used for administrative purposes.

§ 840.130 Matching requirements.

(a) *General.* The recipient must match the funding provided by HUD under this part with at least an equal amount of funds from other sources.

(b) *Assistance categories.* Recipients must meet this matching requirement for *each* category of assistance received. The most HUD will provide for an acquisition/rehabilitation advance, a moderate rehabilitation grant, or funding for annual operating costs is 50 percent of the *respective* costs of each of these activities. No match is required for technical assistance.

(c) *"In-kind" contributions.* (1) Except as provided in paragraph (c)(2) of this section, "in-kind" contributions, including the value of supportive services provided by outside service providers, are excluded from the matching calculation.

(2) HUD will include in the matching calculation the value of contributions of materials or contributions of existing structures or parts of structures, as described below:

(i) A contribution of materials may be included in the calculation of a recipient's match for an acquisition/rehabilitation advance or a moderate rehabilitation grant if the materials will be used in the rehabilitation of a structure for use as transitional housing.

(ii) A contribution of materials may be included in the calculation of a recipient's match for funding of annual operating costs if the cost of the materials would fall within the definition of operating costs under § 840.5.

(iii) A contribution of a fee ownership in a structure may be included in the calculation of a recipient's match for an acquisition/rehabilitation advance, to the extent of the fair market value of the structure.

(iv) A contribution of a leasehold interest in a structure may be included in the calculation of a recipient's match for funding of annual operating costs, to the extent of the fair rental value of the building.

(d) *Existing homeless programs.* Applicants seeking funding for existing programs must commit *new* funds in order to satisfy the matching requirement. The resources necessary to maintain and operate the program at the current level are excluded from the matching computation (see § 840.125(a)).

(e) *Maintenance of effort.* State or local government funds used in the matching contribution are subject to the maintenance of effort requirements described at § 840.125(b).

(f) *Other federally assisted programs.* Except for funds made available under HUD's Community Development Block Grant program, applicants may not include funds provided under a federally assisted program in the computation of their portion of the matching requirements.

(g) *Rental income.* Rental amounts paid by residents of transitional housing under § 840.320 may be included in the calculation of the recipient's match for funding of annual operating costs.

§ 840.135 Assistance under other HUD programs.

(a) *Supplemental assistance.* HUD will permit the use of additional assistance for transitional housing in connection with the program contained in Subtitle D of Title IV of the Stewart B. McKinney Homeless Assistance Act—Supplemental Assistance for Facilities to Assist the Homeless.

(b) *Ineligible projects.* HUD will not assist a project under this part, if the project involves a structure that is assisted, or residents of the structure will receive assistance under the United States Housing Act of 1937, section 202 of the Housing Act of 1959, section 221(d)(3)(BMIR) or section 236 of the National Housing Act; or section 101 of the Housing and Development Act.

(c) *HUD-owned properties.* HUD, in cooperation with PHAs and local government, will make HUD-owned single family properties in its inventory available to parties for purchase for use as transitional housing. To obtain these properties, parties may request a listing of available properties from the HUD Field Office, Property Disposition Branch. If a party wishes to purchase a property or properties, it must request the PHA or unit of local government to enter into a lease/option agreement with

HUD. Under the terms of the agreement, HUD will lease the property to the PHA or unit of local government for six months for one dollar. The lease/option agreement will state that the PHA or unit of local government may purchase the property at a stated price during the lease period, and will require the PHA or unit of local government to assign all rights under the agreement to the party. Applicants demonstrating an assignment of rights under a lease/option agreement at the time their application is filed will be regarded as having site control of the property under § 840.210(b)(4)(iv)(A). If the option is not exercised, the lease/option agreement will expire at the end of six months, and the property will be returned to HUD's inventory.

Subpart C—Comprehensive Homeless Assistance Plan

§ 840.150 Comprehensive homeless assistance plan.

(a) *Prohibition of assistance.* Assistance under this part may not be provided to, or within the jurisdiction of a State or an ESG formula city or county, unless the jurisdiction has a HUD-approved Comprehensive Homeless Assistance Plan.

(b) *Who must have an approved Plan.* The requirements described in paragraph (a) of this section apply to applicants for assistance under this part as follows:

(1) If the applicant is a State, the State must have an approved Plan.

(2) If the applicant is an ESG formula city or county, the city or county must have an approved Plan.

(3) If the applicant is a metropolitan city or urban county that is not an ESG formula city or county, the State in which the transitional housing is to be located must have an approved Plan.

(4) If the applicant is a private nonprofit organization and the transitional housing is to be located within the jurisdiction of an ESG formula city or county,

(i) The city or county must have an approved Plan, or

(ii) If the ESG formula city or county does not have an approved Plan, the State must have an approved Plan.

(5) If the applicant is a private nonprofit organization and the transitional housing is to be located outside the jurisdiction of an ESG formula city or county, the State must have an approved Plan.

(c) *Tribes.* Assistance may be provided to, or within the jurisdiction of, a tribe without a HUD-approved Comprehensive Homeless Assistance Plan.

(d) *Notification of Plan requirements.* HUD will publish the requirements that pertain to the Comprehensive Homeless Assistance Plan in the **Federal Register**, as necessary. Prospective applicants should familiarize themselves with these requirements.

Subpart D—Application and Selection Process

§ 840.200 Notice of fund availability.

When funds are made available for assistance for transitional housing, HUD will publish a notice of fund availability in the **Federal Register**. The notice will:

(a) Give the location for obtaining application packages that provide specific application requirements and guidance;

(b) Specify the time and the place for submitting completed applications;

(c) State the amount of funding available under the notice;

(d) Announce any separate funding competitions under § 840.207(b), including the categories of transitional housing projects that will be subject to the separate funding competitions and the amount of funding available in each funding category; and

(e) Provide other appropriate program information and guidance.

§ 840.205 Application requirements.

(a) *General.* Applicants must submit applications for assistance under this part in the form and within the time periods established by HUD.

(b) *Application requirements.* At a minimum, HUD will require applications to include:

(1) Applicant data (identity, evidence of eligibility, description of past experience, legal authority to submit the application and to operate the proposed housing, and information necessary to demonstrate financial responsibility);

(2) A description of the size and characteristics of the population that will occupy the transitional housing (including a description of the particular homeless population to be served, number of individuals to be served in the project, and supportive services required by the proposed residents);

(3) A description of the proposed project, including:

(i) Information regarding the structure to be used (including site control and zoning data, information concerning the consistency of the proposal with local government plans, a description of the structure and of any proposed rehabilitation, and an appraisal if building fair market or fair rental value is to be used to fulfill matching requirements);

(ii) A narrative description of the proposed operations (including the supportive services to be offered to the residents, the method that will be used to provide or coordinate the provision of such services, procedures for resident selection and assessment, a proposed limitation on the length of resident stay in the project, and evidence demonstrating that this proposed limitation provides an appropriate opportunity to permit members of the homeless population to be served to move to independent living);

(4) A certification of consistency with the applicable Comprehensive Homeless Assistance Plan as described under § 840.210(b) (4)(v)(B),

(5) Project financial data (amount of assistance requested, a five-year operating budget, and a description of the public and private resources that are expected to be made available to comply with the matching requirements of § 840.130);

(6) Assurances satisfactory to HUD that the project will be operated for not less than 10 years in accordance with this part;

(7) A maintenance of effort certification as described in § 840.210(b)(5);

(8) A statement that the applicant agrees to fulfill the requirements set forth in § 840.305; and

(9) Other data as prescribed by HUD.

§ 840.207 Selection process.

(a) *Four stage selection process.* The selection process for applications for assistance under this part consists of four stages:

(1) The threshold stage (see § 840.210);

(2) The rankaing stage (see § 840.215);

(3) The environmental stage (see § 840.220); and

(4) The final selection stage (see § 840.225).

(b) *Separate funding competitions.* (1) In accordance with funding set-asides, funding priorities, or other statutory guidance, HUD may establish separate funding competitions for specified categories of transitional housing projects. (*E.g.* transitional housing that is primarily designed to serve homeless persons with mental disabilities.) If separate funding competitions are established, applicants within each category will compete against other applicants in the same category for a specified amount of funding. Selections within each category will be subject to the four-stage selection process described in paragraph (a) of this section.

(2) HUD will announce separate funding competitions in the notice of

funds availability under § 840.200. The notice will designate the categories of transitional housing projects subject to the separate funding competition and the amount of funding available in each funding category.

§ 840.210 Threshold requirements.

(a) *General.* To be eligible for evaluation under the ranking criteria set out in § 840.215, applications must meet each of the threshold criteria described below (as modified for wholly secular private nonprofit organizations established by a primarily religious organization under § 840.125(e)). If HUD determines that an application fails to meet the threshold criteria in paragraph (b)(3) (matching), (b)(4)(iv)(A) (site control), or (b)(4)(iv)(B) (zoning) of this section, that these are the only deficiencies in the application under the threshold criteria, and that the deficiencies are correctable, HUD may contact the applicant, identify the deficiencies, explain how the deficiencies can be corrected, and require the applicant to correct the deficiencies. HUD will establish a deadline for the submission of the additional information that will permit the Department to meet its deadlines for final selection. Applications that fail to meet all threshold criteria, including those that have not been corrected within any additional time provided by HUD, will not be eligible for assistance under this part.

(b) *Threshold criteria.* The threshold criteria are:

(1) *Form, time, and adequacy of the application.* The application must be filed in the application form prescribed by HUD under § 840.205 and by the time period established by HUD in the notice of funds availability under § 840.200.

(2) *Applicant*—(i) *Eligibility to receive assistance.* The applicant must demonstrate that it is a State, a metropolitan city, an urban county, a tribe, or a private nonprofit organization.

(ii) *Financial responsibility.* (A) HUD has determined, for purposes of the requirements of this part, that all States, metropolitan cities, urban counties and tribes are financially responsible.

(B) Any private nonprofit organization applying for assistance must demonstrate its financial responsibility. In making its determination of financial responsibility, HUD will consider such factors as the past financial history of the organization, its current and anticipated financial outlook, the amount of funding that will be committed under the proposal, and the applicant's other financial responsibilities.

(iii) *Capacity.* Each applicant must demonstrate that it has the ability to carry out activities under this part within a reasonable time after execution of the grant agreement with HUD, and in a successful manner. In making this determination, HUD will consider the extent and quality of the applicant's past experience in establishing and operating housing or in providing or coordinating supportive services. HUD also will consider the ability of the applicant's personnel to perform administrative, managerial, and operational functions necessary to the successful development and operation of transitional housing.

(iv) *Legal authority.* Each applicant:

(A) Must demonstrate that it has the legal authority to participate in the program and to carry out activities in accordance with program requirements and the requirements of other applicable Federal law; and

(B) Must certify that a resolution, motion, or similar action has been fully adopted or passed as an official act by its governing body, authorizing the submission of the application under this part.

(3) *Matching*—(i) *General.* Each applicant must demonstrate that it will match the amount of the assistance to be provided by HUD under this part with at least an equal amount of funds from other sources, in accordance with the requirements of § 840.130.

(ii) *Documentation.*— (A) *In general.* Applicants must provide a description and appropriate documentation of the sources and amounts of the public and private funds that are expected to be made available to meet the applicant's matching requirement under § 840.130.

(B) *Funds from entities other than the applicant.* If the source of the applicant's contribution is an entity other than the applicant (*e.g.*, funding provided to a private nonprofit organization through State or local agencies), HUD must find that the documentation is sufficient to demonstrate a commitment to provide the funds if the application is selected for funding under this part.

(*1*) A commitment to provide matching funds for acquisition/rehabilitation costs or a moderate rehabilitation grant must be a firm commitment from the funding source. This firm commitment must demonstrate the source's binding commitment to provide funds and the date upon which funds will be available. This commitment may be contingent upon the selection of the applicant for funding under this part.

(*2*) A commitment to provide funds for operating costs may be in the form of a letter of intent demonstrating the reasonable expectation of the funding source and its resolve to provide a stated amount of funds at a stated date in the future, if the application is selected for funding. The letter of intent may be subject to governing board approval and other contingencies beyond the contingency of selection of the applicant for funding, provided there is a reasonable expectation and resolve by the source to provide the funding.

(*3*) In-kind contributions. To be accepted for consideration in the matching computation, the applicant must support the fair market value or fair rental value of a structure with an appraisal acceptable to HUD prepared by a qualified real estate appraiser, and must provide appropriate documentation supporting the valuation of any contribution of materials.

(D) *Rental income.* HUD will include amounts to be paid by residents of transitional housing as a part of the applicant's matching contribution for funding for payments of annual operating costs, if the rental amounts are substantiated. An applicant may substantiate rental amounts based on the rental income experience of the applicant or others, indicating the amount of income that residents are likely to receive. The estimate of resident income must be adjusted to take into account the length of time necessary for homeless persons to qualify for Federal, State, or local income-support assistance or to find employment, and any other factors that may reasonably be expected to affect the amount and timing of resident income. To compute the estimate of rental income calculation requirements of § 840.320. Alternatively, for the purposes of computing the rental amount for leveraging, the applicant may assume that rental income to be received from residents will be equal to 10 percent to the resident income estimate.

(4) *Proposal housing and supportive services.*—(i) *Need.* The applicant must demonstrate that an unmet need for the proposed transitional housing exists in the area to be served and that this need is likely to continue through the term of the commitment to HUD. Need may be demonstrated by information such as:

(A) Estimates, based on past experience in the community, of unmet demand for the proposed transitional housing by the homeless population to be served;

(B) Present need for the proposed transitional housing, based on estimates of the homeless population to be served; or

(C) Projections of future need for the proposed transitional housing.

Applicants may use relevant information contained in the Comprehensive Homeless Assistance Plan to demonstrate an unmet need for the proposed transitional housing.

(ii) *Adequacy of the proposed supportive services.* (A) Each applicant must demonstrate that the supportive services proposed (including the residential supervision to be provided) appropriately address the needs of the homeless population to be served, and are sufficient to serve the purposes of the proposed transitional housing. (*E.g.*, Proposals for transitional housing must be sufficient to faciliate the movement of homeless persons to independent living within a reasonable period of time.)

(B) In determining the adequacy of proposed services, HUD will assess the supportive services to be provided to the residents by the applicant and through other private and public organizations. Supportive services may be provided on-site, or off-site if the services are readily accessible to the homeless population to be served. Services are readily accessible if residents can get to the services on their own, or if transportation is provided to the site where the services are provided.

(C) Where services are to be provided through other private or public organizations, the applicant must secure a letter of intent from each organization, indicating its willingness and ability to provide the services to the residents of the housing, and must attach these letters to the application.

(iii) *Adequacy of the proposed housing.* Applicants must demonstrate that the proposed structures and sites are appropriate for the provision of housing and supportive services for the homeless population proposed to be served. When determining whether a structure will be suitable for the provision of supportive services, HUD will consider whether the structure is designed to permit the provision of proposed on-site supportive services, and whether any proposed off-site supportive services are readily accessible.

(iv) *Siting and zoning.* Except as provided in paragraph (a) of this section, applicants must meet the following siting and zoning requirements at the time of application:

(A) The applicant must demonstrate that it has control of the site involved. For example, the applicant may demonstrate that it owns or has an option to purchase, or leases or has an option to lease, the structure involved;

(B) The applicant must demonstrate that the proposed use of the site is permissible under applicable zoning ordinances and regulations; or provide a statement describing the proposed actions necessary to make the use of the site permissible under applicable zoning ordinances and regulations, and demonstrate that there is a reasonable basis to believe that the proposed zoning actions will be completed successfully and within 4 months following the submission of the application.

(C) The applicant must submit a statement that the proposed project is not located in any 100-year floodplain, as designated by maps prepared by the Federal Emergency Management Agency (FEMA). If 50 percent or more of the living space in the structure is designed for residents with mobility impairments, the applicant must submit a statement that the project is not located in any 500-year floodplain, as designated on FEMA maps.

(v) *Consistency with government plans*—(A) *Consistency with local government plans.* Applicants must furnish a written statement from the unit of general local government in which the transitional housing is proposed to be located, indicating that the proposed use of the structure and site for transitional housing is not inconsistent with any plan of the local government that may have an effect on the use of the structure and site for this purpose. This requirement is satisfied if the applicant demonstrates that it made a written request to the unit of local government for the statement and has not received the statement within 30 days of the request. (Applicants must immediately forward to HUD any written statement received from the unit of local government after the expiration of this 30-day period.)

(B) *Consistency with Comprehensive Homeless Assistance Plan.* Applicants must provide a certification from the public official responsible for submitting a Comprehensive Homeless Assistance Plan for the appropriate jurisdiction (as described under § 840.150) stating that the proposed project is consistent with the applicable Comprehensive Homeless Assistance Plan.

(vi) *Displacement.* Each applicant must certify that its proposed activities will not result in the temporary or permanent displacement of any person or entity. HUD will not fund applications that will cause any individual, family, partnership, corporation, or association to move from real property or to move its personal property from real property because of an actual or impending acquisition or rehabilitation of real property, in whole or in part, for a project.

(5) *Maintenance of effort.* Each applicant must certify that the use of assistance received under this part (and State and local government funds used to supplement this assistance) complies with § 840.125(b).

(6) *Proposal feasibility.* Each applicant must demonstrate that its proposal, when viewed as a whole, is operationally feasible and provides adequate housing and supportive services to serve the purposes of the transitional housing program.

§ 840.215 Ranking criteria.

(a) *In general.* Applications that fulfill each of the threshold requirements of § 840.210 will be assigned a rating score and will be placed in ranked order, based upon the criteria described in paragraph (b) of this section.

(b) *Criteria.* Applications will be assigned a rating and will be ranked, based on the following criteria:

(1) *Applicant capacity.* HUD will consider the applicant's relative ability to carry out activities under the program within a reasonable time, and in a successful manner, after the execution of the grant agreement with HUD. The factors HUD will consider in making this judgment are discussed in § 840.210(b)(2)(iii). HUD will assign the greatest number of points under this criterion to applicants that have experience in establishing and operating transitional housing for homeless persons and in providing or coordinating supportive services for its residents and that demonstrate, on the basis of prior experience, the greatest ability to carry out activities under the program expeditiously and successfully.

(2) *Innovative quality of proposal.* HUD will consider the innovative quality of the proposal in providing housing and supportive services for homeless persons in a manner that facilitates their transition to independent living. In assessing an application under this factor, HUD will consider the degree to which the applicant demonstrates that:

(i) The proposal uses a new or unusual approach to transitional housing that holds promise of successfully facilitating the transition of homeless persons to independent living; and

(ii) The new or unusual approach that the applicant will use would be replicable by others.

(3) *Coordination of supportive services:* HUD will consider:

(i) The extent to which the applicant will use other public or private entities to provide appropriate supportive

services to the residents of the housing; or

(ii) If the services are to be provided directly by the applicant, the extent to which the applicant:

(A) Will provide the services with funds that are obtained from sources other than under this program and that have not been used as part of the applicant's matching contribution (see §§ 840.130 and 840.210(b)(3)), or

(B) Has demonstrated that the services are not available or readily accessible to the residents from other sources.

HUD will assign the greatest number of points under this element to applicants that meet one or more of these tests to the greatest extent.

(4) *Matching.* HUD will consider the extent to which the applicant proposes to match the amount of assistance to be provided by HUD under the program with more than an equal amount of funds from other sources. Matching requirements are discussed at §§ 840.130 and 840.210(b)(3).

(5) *Cost effectiveness.* HUD will consider the extent to which the applicant's proposed costs in acquiring or rehabilitating housing under the program, and in operating the housing and providing supportive services:

(i) Are reasonable in relation to the work done and the goods and services purchased; and

(ii) Are effective in accomplishing the purposes of the project.

§ 840.220 Environmental review.

(a) *General.* In the third stage of the selection process, HUD will conduct an environmental review of a number of the highest-ranked applications. Environmental reviews will not be performed on all applications ranked under the second stage. Rather, HUD will review the number of highest-rated applications necessary to ensure an adequate pool of applications for the final selection stage. Applications that do not move to this third stage of processing will not be selected for funding under this part.

(b) *Environmental considerations.* In conducting the environmental review, HUD will assess the environmental effects of each application in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and HUD's implementing regulations at 24 CFR Part 50. Any application that requires an Environmental Impact Statement (EIS) (generally, those applications that HUD determines would have a significant impact on the human environment, in accordance with the environmental assessment procedures at 24 CFR Part 50, Subpart E) is not eligible for funding.

(c) *Rating adjustments.* (1) As a result of the environmental review, HUD may find that it cannot approve an application unless adequate measures are taken to mitigate environmental impacts. (See *e.g.*, 24 CFR Part 51). Accordingly, HUD will adjust the rating scores of such applications, based on the anticipated time delays in adopting appropriate impact mitigation measures.

(2) The environmental review often will reveal information not contained in the application that may have relevance to the selection process. HUD will make further adjustments to the ratings based on the information revealed during the environmental review.

§ 840.225 Final selection.

In the final stage of the selection process, the highest-ranked applications will be considered for final selection in accordance with their rank order, as determined under § 840.215, and any adjustments made during environmental review under § 840.220. If the top-rated applications under the ranking criteria described above involve projects that predominantly serve one geographic area, primarily serve one homeless population, or are substantially of the same project size (in terms of the number of homeless persons served), HUD may substitute one or more other highly-rated applications to ensure reasonable variety in the demonstration.

Subpart E—Program Requirements

§ 840.300 Grant agreement.

(a) *General.* The duty to provide transitional housing in accordance with the requirements of this part will be incorporated in a grant agreement executed by HUD and the recipient.

(b) *Enforcement.* HUD will enforce the obligations in the grant agreement through actions on the contract. In addition, restrictions regarding the use of structures will be contained in covenants recorded in the land records of the jurisdiction in which the structure is located.

§ 840.305 Required agreements.

Each recipient of transitional housing assistance must agree:

(a) To operate the transitional housing in accordance with this part.

(b) To conduct an ongoing assessment of the supportive services required by the residents of the project.

(c) To provide such residential supervision as HUD determines is necessary to facilitate the adequate provision of supportive services to the residents of the housing throughout the term of the commitment to operate transitional housing. Such residential supervision may include the employment of a full- or part-time residential supervisor with sufficient knowledge to provide or to supervise the provision of, supporting services to the residents of the transitional housing.

(d) To use the structure for which assistance is provided as transitional housing for not less than 10 years following the date of initial occupancy.

(e) To provide safe and sanitary housing, and to comply with all State and local housing codes, licensing requirements, and other requirements in the jurisdiction in which the housing is located regarding the condition of the structure and the operation of the transitional housing (except as provided in § 840.325).

(f) To keep any records and make any reports that HUD may require. HUD may require recipients of transitional housing assistance to monitor former residents, for a reasonable time set by HUD, to determine whether former residents made successful transitions to, and continue to reside in, permanent housing.

§ 840.310 Term of commitment and repayment of advance.

(a) *General.* All projects must be operated as transitional housing in accordance with this part for a term of at least 10 years from the date of initial occupancy.

(b) *Repayment of advance.* (1) The recipient of an acquisition/rehabilitation advance under § 840.105 must repay the advance in the amount prescribed under paragraph (b)(2) of this section and in accordance with the terms prescribed HUD.

(2) The recipient must repay the full amount of the acquisition/rehabilitation advance if the project is used for transitional housing for less than 10 years following the date of initial occupancy. For each full year that the project is used for transitional housing following the expiration of this 10-year period, the amount that the recipient will be required to pay will be reduced by one tenth of the original advance. If the project is used for transitional housing for 20 years following the date of initial occupancy, the recipient will not be required to repay any portion of the acquisition/rehabilitation advance under this section.

(3) Upon the recipient's written request, HUD may determine that a project is no longer needed for use as transitional housing, and may approve an alternate use of the project for the direct benefit of lower income persons.

For the purposes of determining the amount of the recipient's repayment obligation, such a project will continue to be treated as transitional housing as long as it is used for the approved alternate purpose.

(c) *Successor-recipients.* A recipient may select a successor to provide transitional housing in accordance with the recipient's obligations under this part. A successor-recipient must be approved by HUD before operation of the project may be transferred. Any obligations for the repayment of advances and for the prevention of undue benefits may remain with the original recipient or may be transferred to the successor-recipient, depending on the terms of the HUD approval.

(d) *Calculation of term of commitment.* The 10-year operating term commences on the date that the project is initially occupied by a homeless person for whom assistance is provided under this art. If the only assistance provided under this program is used to provide a substantial increase in the level of supportive services provided in an existing facility serving the homeless (see § 840.125(a)), the 10-year operating term commences on the date that the expanded services are first provided to the residents of the project.

§ 840.312 Casualty insurance.

The recipient must obtain, and maintain in force, property casualty insurance, with HUD named as beneficiary, in an amount at least equal to the amount of the acquisition/rehabilitation advance or the moderate rehabilitation grant provided to the recipient.

§ 840.313 Eminent domain.

A recipient whose structure is taken by eminent domain must repay the acquisiton/rehabilitation advance or the moderate rehabilitation grant provided to the recipient, to the extent that funds are available from the eminent domain proceeding.

§ 840.315 Prevention of undue benefits.

(a) *General.* If assistance in the form of an acquisition/rehabilitation advance or a moderate rehabilitation grant is provided for a project and the project is sold or otherwise disposed of during the 20 years following initial occupancy, the recipient must comply with such terms and conditions as HUD may prescribe to prevent the recipient from unduly benefitting from the sale or the disposition.

(b) *Exception.* This section does not apply to sales or dispositions that result in the continued use of the project for the direct benefit of lower income persons or where all proceeds from the sale or disposition are used to provide supportive housing.

§ 840.320 Resident rent.

Each homeless individual residing in trasitional housing is required to pay as rent an amount determined in accordance with section 3(a) of the United States Housing Act of 1937. Under section 3(a), each resident must pay as rent the highest of:

(a) 30 percent of the family's monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child care expenses);

(b) 10 percent of the family's monthly income; or

(c) if the family is receiving payments for welfare assistance from a public agency and a part of the payments, adjusted in accordance with the family's actual housing costs, is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated. As part of its technical assistance under § 840.120, HUD will provide successful applicants with information and assistance concerning the calculation of resident rent.

§ 840.325 Resident discharge.

(a) *Preemption.* No State or local law, ordinance, or regulation shall have any force or effect to the extent that it prohibits, or has the effect of prohibiting, recipients from discharging residents from transitional housing at the end of the HUD-approved limit on the stay of residents in the housing.

(b) *Resident contract.* The recipient must execute a contract with each resident individual or family before admission to transitional housing. The contract must provide that the resident's length of stay will be limited to a stated time period approved by HUD, and that no State or local law, ordinance, or regulation shall have any force or effect to the extent that it prohibits, or has the effect of prohibiting, the recipient from discharging the resident at the end of the stated time period. The contract may contain such other terms and conditions governing the relationship between the recipient and the resident as are consistent with this part and agreed upon by the recipient and the resident.

(c) *Notice of discharge at end of HUD-approved residency period.* Not less than 30 calendar days before the end of the HUD-approved limit on the stay of the resident, the recipient must give the resident written notice that he or she will be discharged from the transitional housing at the end of the residency period, and will not be permitted to remain in the project after that time. The notice must be personally served on the resident, must state the date of the proposed discharge, and must inform the resident that he or she may request review of the proposed discharge date. Any request for such review must be made not later than 10 calendar days before the end of the residency period, and the review shall be limited to a determination of whether the recipient has calculated the resident's period of residence correctly.

(d) *Recipient review.* If the resident requests the recipient to review the discharge date contained in the notice, the recipient shall recompute the length of time that the individual or family has been a resident of the transitional housing and compare that period to the HUD-approved limit on residency. If the recipient determines that the discharge date in the notice is too early, the recipient shall withdraw the discharge notice and notify the resident of this action. Notice must be in writing and personally served upon the resident not later than five days before the discharge date in the notice of discharge. Withdrawal of a discharge notice under this clause shall not have any effect upon the recipient's service of any subsequent discharge notice on the resident.

§ 840.330 Applicability of other Federal requirements.

Use of assistance provided under this part must comply with the following additional requirements:

(a) *Nondiscrimination and equal opportunity.* The nondiscrimination and equal opportunity requirements that apply to the Program are discussed below. Notwithstanding the permissibility of proposals that serve designated populations of homeless persons, recipients serving a designated population of homeless persons are required, within the designated population, to comply with these requirements for nondiscrimination on the basis of race, color, religion, sex, national origin, age, and handicap.

(1) The requirements of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601–19) (Fair Housing Act) and implementing regulations; Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107; and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1;

(2) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42

U.S.C. 6101–07) and implementing regulations at 27 CFR Part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(3) The requirements of Executive Order 11246 (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR Chapter 60;

(4) The requirements of section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects); and

(5) The requirements of Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, recipients must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

(6) If the procedures that the recipient intends to use to make known the availability of the transitional housing are unlikely to reach persons of any particular race, color, religion, sex, age, or national origin who may qualify for admission to the housing, the recipient must establish additional procedures that will ensure that these persons are made aware of the availability of transitional housing opportunities. The recipient must also establish additional procedures that will ensure that interested persons can obtain information concerning the existence and location of services and facilities that are accessible to handicapped persons.

(b) *Environmental.* The National Environmental Policy Act of 1969, the related authorities in 24 CFR Part 50, and the Coastal Barriers Resources Act of 1982 (16 U.S.C. 3601) are applicable to proposals under this program.

(c) *Applicability of OMB Circulars.* The policies, guidelines, and requirements of OMB Circular Nos. A–87 and A–102 apply to the acceptance and use of assistance under the program by governmental entities, and OMB Circular Nos. A–110 and A–122 apply to the acceptance and use of assistance by private nonprofit organizations.

(d) *Lead-based paint.* (1) The requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR Part 35 (except as superseded in paragraph (d)(2) of this section) apply to the program.

(2)(i) This paragraph implements the provisions of section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate, as far as practicable, the hazards of lead-based paint poisoning with respect to structures for which assistance is provided under this program. This paragraph is promulgated under 24 CFR 35.24 (b)(4) and supersedes, with respect to the program, the requirements prescribed in Subpart C of 24 CFR Part 35. The requirements of this paragraph apply to structures that will be occupied by children under seven years of age.

(ii) The following definitions apply to this paragraph(b):

Applicable surface means all exterior surfaces of a residential structure, up to five feet from the floor or ground, such as a wall, stairs, deck, porch, railing, window, or door, which are readily accessible to children under seven years of age, and all interior surfaces of a residential structure.

Chewable surface means all chewable, protruding painted surfaces up to five feet from the floor or ground, which are readily accessible to children under seven years of age: *e.g.*, protruding corners, windowsills and frames, doors and frames, and other protruding woodworks.

Defective paint surfaces means paint on applicable surfaces that is cracking, scaling, chipping, peeling, or loose.

Elevated blood lead level or *EBL* means excessive absorption of lead: *i.e.*, a confirmed concentration of lead in whole blood of 25 ug/dl (micrograms of lead per deciliter of whole blood) or greater.

Lead-based paint means a paint surface, whether or not defective, identified as having a lead content greate than or equal to 1 mg/cm^2.

(iii) In the case of a structure constructed before 1973, the applicant must inspect the structure for defective paint surfaces before it submits an application. Recipients must inspect assisted structures at least annually during the term of their operating commitment to HUD. If defective paint surfaces are found, treatment in accordance with 24 CFR 35.24(b)(2)(ii) is required. Correction of defective surfaces found during the initial inspection must be completed before initial occupancy of the project. Correction of defective paint conditions discovered at periodic inspection must be completed within 30 days of their discovery. When weather conditions prevent completion of repainting of exterior surfaces within the 30-day period, repainting may be delayed, but covering or removal of the defective paint must be completed within the prescribed period.

(iv) In the case of a structure constructed before 1973, if the recipient is presented with test results that indicate that a child under the age of seven years occupies the structure and has an elevated blood lead level (EBL), the recipient must cause the unit to be tested for lead-based paint on chewable surfaces. Testing must be conducted by a State or local health or housing agency, or by an inspector certified by a State or local health or housing agency. Lead content must be tested by using an X-ray flourescence analyzer (XRF) or other method approved by HUD. Test readings of 1 mg/cm^2 or higher using an XRF shall be considered positive for presence of lead-based paint. Where lead-based paint on chewable surfaces is identified, covering or removal of the paint surface in accordance with 24 CFR 35.24(b)(2)(ii) is required.

(v) In lieu of the procedures set forth in the preceding clause, the recipient may, at its discretion, abate all interior and exterior chewable surfaces in accordance with the methods set out at 24 CFR 35.24(b)(2)(ii).

(vi) The recipient must take appropriate action to protect tenants from hazards associated with abatement procedures.

(vii) The recipient must keep a copy of each inspection report for at least three years. If a unit requires testing, or treatment of chewable surfaces based on the testing, the recipient must keep the test results and, if applicable, the certification of treatment, indefinitely. The records must indicate which chewable surfaces in the units have been tested or treated. If records establish that certain chewable surfaces were tested, or tested and treated, in acordance with the standards prescribed in this Section, these surfaces do not have to be tested or treated at any subsequent time.

(e) *Conflicts of interest.* In addition to conflict of interest requirements in OMB Circulars A-102 and A-110, no person:

(1) Who is an employee, agent, consultant, officer, or elected or appointed official of the recipient, that receives assistance under the program and who exercises or has exercised any functions or responsibilities with respect to assisted activities or

(2) Who is in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

(f) *Use of debarred, suspended, or ineligible contractors.* The provisions of 24 CFR Part 24 apply to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

(g) *Audit.* The financial management systems used by governmental entities that are recipients under this program must provide for audits in accordance with 24 CFR Part 44. Private nonprofit organization recipients are subject to the audit requirements of OMB Circular A-110. HUD may perform or require further and additional audits as it finds necessary or appropriate.

(h) *Intergovernmental review.* The requirements for intergovernmental review in Executive Order No. 12372 and the implementing regulations at 24 CFR Part 52 are not applicable to applications under this program.

(i) *Davis-Bacon Act.* The provisions of the Davis-Bacon Act (40 U.S.C. 276a–276a–5) do not apply to the program.

Subpart F—Administration

§ 840.400 Obligation of funds, funding amendments and deobligation.

(a) *Obligation of funds.* When HUD selects an application for funding and notifies the recipient, it will obligate funds to cover the amount of the approved acquisition/rehabilitation advance, moderate rehabilitation grant and (for up to five years) annual operating costs.

(b) *Increases.* After the initial obligation of funds, HUD will not make any upward revisions to the amount obligated for the acquisition/rehabilitation advance, the moderate rehabilitation grant or the annual operating costs.

(c) *Deobligation.* (1) HUD may deobligate amounts for the acquisition/rehabilitation advance or the moderate rehabilitation grant:

(i) If the actual total costs of acquisition, substantial rehabilitation, acquisition and rehabilitation, or moderate rehabilitation, are less than the total cost anticipated in the application; or

(ii) If proposed acquisition and rehabilitation activities are not begun or completed within a reasonable time after selection.

(2)(i) HUD may deobligate the amounts for annual operating costs in any year following the first year of operations, based on the recipient's actual operating costs experience. Additionally, if a recipient's operations generate a substantial amount of resident rent (see § 840.320), HUD may adjust the operating costs allowed under the grant agreement downward, to the extent of the rent received in excess of that anticipated and budgeted in the application.

(ii) HUD may deobligate the amounts for annual operating costs if the proposed transitional housing operations are not begun within a reasonable time following selection.

(3) If, as a result of an audit, HUD determines that the recipient has expended funds for uses that are ineligible under this part, HUD may adjust or deobligate funding amounts, as appropriate, to recover the ineligible costs.

(4) The grant agreement will set forth in detail other circumstances under which funds may be deobligated and other sanctions may be imposed.

(5) HUD may:

(i) Readvertise the availability of funds that have been deobligated under this section in a notice of fund availability under § 840.200; or

(ii) Reconsider applications that were submitted in response to the most recently published notice of fund availability, and select applications for funding with deobligated funds. Such selections will be made in accordance with §§ 840.207–840.225.

2. Part 841 would be added to read as follows:

PART 841—PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS

Subpart A—General

Sec.
841.1 Applicability and scope.
841.5 Definitions.

Subpart B—Assistance Provided

841.100 Types of assistance.
841.105 Acquisition/rehabilitation advances.
841.110 Moderate rehabilitation grants.
841.115 Technical assistance.
841.120 Limitations on use of assistance.
841.125 Matching requirements.
841.130 Assistance under other HUD programs.

Subpart C—Comprehensive Homeless Assistance Plan

841.150 Comprehensive Homeless Assistance Plan.

Subpart D—Application and Selection Process

841.200 Notice of fund availability.
841.205 Application requirements.
841.207 Selection process.
841.210 Threshold requirements.
841.215 Ranking criteria.
841.220 Environmental review.
841.225 Final selection.

Subpart E—Program Requirements

841.300 Grant agreement.
841.305 Required agreements.
841.310 Term of commitment and repayment of advance.
841.312 Casualty insurance.
841.313 Eminent domain.
841.315 Prevention of undue benefits.
841.320 Resident rent.
841.325 Number of residents.
841.330 Applicability of other Federal requirements.

Subpart F—Administration

841.400 Obligation of funds, funding amendments, and deobligation.

Authority: Sec. 426, Stewart B. McKinney Homeless Assistance Act (Pub. L. 100–77); sec 7(d), Department of Housing Urban and Development Act (42 U.S.C. 3535(d)).

Subpart A—General

§ 841.1 Applicability and scope.

(a) *General.* The Supportive Housing Demonstration program contained in Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act is designed to develop innovative approaches for providing supportive housing, especially to deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons. It is designed to determine:

(1) The cost of acquisition, rehabilitation, acquisition and rehabilitation, or leasing of existing structures for the provision of supportive housing;

(2) The cost of operating such housing and providing supportive services to the residents of such housing;

(3) The social, financial, and other advantages of such housing as a means of assisting homeless individuals; and

(4) The lessons that the provision of supportive housing might have for the design and implementation of housing programs that serve homeless individuals and families with special needs, particularly deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons.

A central purpose of the Supportive Housing Demonstration program is to provide supportive housing for deinstitutionalized homeless individuals and other homeless individuals with mental disabilities.

(b) The Supportive Housing Demonstration program consists of two components: Permanent housing for handicapped homeless persons and transitional housing. This part implements the program for permanent housing for handicapped homeless

persons. Part 840 implements the transitional housing program.

§ 841.5 Definitions.

As used in this part:

Applicant means the State in which permanent housing for handicapped homeless persons is to be located.

Comprehensive Homeless Assistance Plan or *Plan* means the Comprehensive Homeless Assistance Plan established by Subtitle A of Title IV of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100–77, approved July 22, 1987).

Handicapped homeless person means a handicapped person who:

(a) Is a homeless individual;

(b) Is a currently not a homeless individuals but who is at risk of becoming a homeless individual; or

(c) Has been a resident of transitional housing assisted under the Transitional Housing Demonstration program guidelines published June 9, 1987 (52 FR 21743).

This term may include a homeless family, if the head of the family (or the spouse of the head of the family) is a handicapped homeless person.

Handicapped or *Handicapped person* means any individual having an impairment that is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that the ability to live independently could be improved by a stable residential situation. This term includes:

(a) An individual who is developmentally disabled, i.e., an individual who has a severe chronic disability that:

(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) Is manifested before the person attains age 22;

(3) Is likely to continue indefinitely;

(4) Results in substantial functional limitations in three or more of the following areas of major life activity:

(i) Self-care,

(ii) Receptive and expressive language,

(iii) Learning,

(iv) Mobility,

(v) Self-direction,

(vi) Capacity for independent living, and

(vii) Economic self-sufficiency; and

(5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

(b) An individual who is chronically mentally ill, *i.e.*, an individual who has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently (*e.g.*, by limiting functional capacities relative to primary aspects of daily living such as pesonal relations, living arrangements, work, or recreation), and whose impairment could be improved by more suitable housing conditions.

(c) A handicapped person who also suffers from alcoholism or drug addiction.

Homeless means:

(a) An individual or family that lacks a fixed, regular, and adequate nighttime residence; or

(b) An individual or family that has a primary nighttime residence that is:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law.

HUD means the Department of Housing and Urban Development.

Moderate rehabilitation means the rehabilitation of a project that involves a total HUD expenditure that does not exceed the limitations described under § 841.110.

Permanent housing for handicapped homeless persons or *permanent housing* means a project assisted under this part that provides community-based, long-term housing and supportive services for not more than eight handicapped homeless persons and that is carried out by a project sponsor. All or part of the supportive services may be provided directly by the recipient or the project sponsor, or by arrangement with public or private service providers.

Private nonprofit organization means a secular or religious organization, no part of the net earnings of which may inure to the benefit of any member, founder, contributor, or individual. The organization must:

(a) Have a voluntary board;

(b)(1) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or

(2) Designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles; and

(c) Practice nondiscrimination in the provision of assistance under the permanent housing program in accordance with the authorities described in § 841.330(a).

Project means one or more existing structures, or parts of one or more existing structures, owned or leased by the project sponsor (or by the recipient) for use in connection with permanent housing for handicapped homeless persons. The project must be:

(a) A group home designed soley for housing handicapped homeless persons, or

(b) Dwelling units in a rental apartment building, a condominum project or a cooperative project.

Project sponsor means a private nonprofit organization that the Governor or other chief executive official of the applicant approves as to financial responsibility. The project sponsor must operate the permanent housing for handicapped homeless persons, and must provide (or coordinate the provision of) supportive services to the residents of such housing.

Recipient means the applicant that executes a grant agreement with HUD. The recipient provides assistance to the project sponsor for the operation of permanent housing for handicapped homeless persons and facilitates the provision of necessary supportive services to the residents of the permanent housing.

Rehabilitation means labor, materials, tools, and other costs of improving structures to a level that meets or exceeds applicable State and local government health and safety standards. Rehabilitation includes repairs directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, and improvement through alterations or additions to, or enhancement of, existing structures, including improvements to increase the efficient use of energy in structures. Rehabilitation does not include minor or routine repairs or cosmetic repairs or improvements.

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

Substantial rehabilitation means the rehabilitation of a project that involves

a total HUD expenditure in excess of the limitations described under § 841.110.

Supportive services means services provided to residents of permanent housing. Supportive services must be proposed by the applicant in its application and approved by HUD; must address the special needs of the handicapped homeless persons to be served by the project; and must assist in accomplishing the purposes of permanent housing. Supportive services may include:

(a) Medical and psychological counseling and supervision;

(b) Employment counseling;

(c) Nutritional counseling;

(d) Assistance in obtaining other Federal, State, and local assistance available for residents of permanent housing facilities, including mental health benefits; employment counseling; medical assistance; Veterans' benefits; and income support assistance, such as Supplemental Security Income benefits, Aid to Families with Dependent Children, General Assistance, and Food Stamps; and

(e) Other services, such as child care, transportation, job placement and job training.

Subpart B—Assistance Provided

§ 841.100 Types of assistance.

(a) *Types of assistance available.* Three types of assistance are available for permanent housing for handicapped homeless persons: Acquisition/rehabilitation advances, moderate rehabilitation grants, and technical assistance.

(b) *Eligibility for more than one type of assistance.* Applicants may be eligible for either an acquisition/rehabilitation advance or a moderate rehabilitation grant, but not both. Technical assistance will be available only in connection with an acquisition/rehabilitation advance or a moderate rehabilitation grant.

§ 841.105 Acquisition/rehabilitation advances.

(a) *Use.* HUD will advance sums to recipients to defray the cost of the acquisition, substantial rehabilitation, or acquisition and rehabilitation of existing structures selected by the recipients for use in the provision of permanent housing for handicapped homeless persons.

(b) *Amount.* The acquisition/rehabilitaiton advance may not exceed the lesser of

(1) $200,000; or

(2) 50 percent of the aggregate cost of acquisition, substantial rehabilitation, or acquisition and rehabilitation (see § 841.125 for a full discussion of the 50 percent matching requirement).

(c) *Terms of the advance.* Advances are interest-free, and if the conditions described in § 841.310 are met, are not subject to repayment. The sale or disposition of a structure acquired or rehabilitated with an advance is subject to the requirements of § 841.315.

§ 841.110 Moderate rehabilitation grants.

(a) *Use.* HUD will make grants to recipients to defray the cost of rehabilitation of existing structures selected by the recipients for use in the provision of permanent housing for handicapped homeless persons.

(b) *Amount.* (1) The moderate rehabilitation grant may not exceed the lesser of

(i) The project limit; or

(ii) 50 percent of the cost of rehabilitation (see § 841.125 for a full discussion of the 50 percent matching requirement).

(2) For purposes of this section, "project limit" means the amount determined by HUD by multiplying the number of units of each unit type in the project times the unit cost for that unit. The cumulative total for all unit types is the project limit. The unit cost limits are:

(i) $5,000 (A) per bedroom unit, in single room occupancy housing (*i.e.*, a unit which contains no sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and which is suitable for occupancy by a single individual);

(B) Per bedroom unit, in a group home; or

(C) Per unit without a bedroom, in other types of projects; and

(ii) $7,000 per unit with one or more bedrooms, in other types of projects.

(c) *Terms of the grant.* The sale or disposition of a structure rehabilitated with a grant under this section is subject to the requirements of § 841.315.

§ 841.115 Technical assistance.

Technical assistance will be offered only in connection with an award of funds under § 841.105 or § 841.110. Technical assistance is offered to recipients through HUD field offices in such matters as the computation of resident rent under § 841.320, compliance with other Federal requirements under § 841.330, and engineering recommendations and other advice on rehabilitation plans and work write-ups. HUD will also facilitate the exchange of information among recipients and program sponsors, and help recipients and program sponsors to learn from the experience of other participants in the program.

§ 841.120 Limitations on use of assistance.

(a) *Funding of existing housing facilities and programs.* (1) HUD will not provide acquisition/rehabilitation advances or moderate rehabilitation grants for existing facilities or programs that currently serve homeless persons, unless the applicant proposes:

(i) A substantial increase in the number of handicapped homeless persons for whom permanent housing will be provided;

(ii) A substantial increase in the level of supportive services to be provided to handicapped homeless persons; or

(iii) A substantial change in the use of existing facilities, *e.g.*, if existing facilities for the homeless that are not currently used for permanent housing (such as an emergency shelter for the homeless) will be used to provide permanent housing, or if an applicant currently providing permanent housing for one population of handicapped homeless persons proposes to serve an additional or alternative segment of the handicapped homeless population.

(2) If an application seeking funding of existing housing facilities and programs is selected for funding, assistance under this part will be limited to 50 percent of the cost of acquisition/rehabilitation or 50 percent of the cost of moderate rehabilitation, attributable to the increased number of handicapped homeless persons for whom permanent housing would be provided, the increased level of supportive services to be provided, or the change in use.

(b) *Maintenance of effort.* No assistance received under this part (or any State or local government funds used to supplement this assistance) may be used to replace funds provided in the State under any State or local government assistance program, if the funds provided under the State or local government assistance program were used to assist handicapped persons, homeless individuals, or handicapped homeless persons during the calendar year preceding the date of the application, or were designated for such use through an official action of the applicable governmental entity during the calendar year preceding the date of the application.

(c) *Leases.* (1) Acquisition/rehabilitation advances are not available to defray the costs of acquiring a lease on existing property.

(2) Acquisition/rehabilitation advances and moderate rehabilitation grants are available for the rehabilitation of leased property. To receive an acquisition/rehabilitation advance or a moderate rehabilitation

grant, the lease must run for a term of at least 10 years after the date of initial occupancy of the housing.

(d) *New construction.* Assistance under this part may not be used for the new construction of housing. Assistance is limited to permanent housing provided in existing structures.

(e) *Primarily religious organizations*—(1) *Provision of assistance.* (i) HUD will not provide assistance to a recipient that will use a project sponsor that is a primarily religious organization, unless the primarily religious organization agrees to provide housing and supportive services in a manner that is free from religious influence and in accordance with other conditions described in the grant agreement.

(ii) HUD will not provide assistance to a recipient that will use a project sponsor that is a primarily religious organization, if the assistance will be used to acquire a structure to be owned by the project sponsor or to rehabilitate a structure owned by the project sponsor.

(2) *Permanent housing provided in structures owned by primarily religious organizations.* The acquisition/rehabilitation advance and the moderate rehabilitation grant may not be used to rehabilitate a structure that is owned by a primarily religious organization, unless;

(i) The structure (or portion of the structure) that is to be rehabilitated with the HUD assistance has been leased to a wholly secular private nonprofit organization that will serve as the project sponsor, or to the recipient;

(ii) The HUD assistance will be provided to the project sponsor or to the recipient to make the improvements, rather than to the primarily religious organization;

(iii) The leased structure will be used exclusively for secular purposes available to all persons regardless of religion;

(iv) The lease payments provided to the primarily religious organization do not exceed the fair market rent of the structure without the rehabilitation;

(v) The cost of improvements that benefit any portion of the structure that is not used for the provision of permanent housing assisted under this part will be allocated to and paid for by the primarily religious organization; and

(vi) The primarily religious organization agrees that if the project sponsor or the recipient does not retain the use of the leased premises for wholly secular purposes for the useful life of the improvements, the primarily religious organization will pay an amount equal to the residual value of the improvements to the project sponsor or recipient that will remit the amount to HUD.

(3) *Assistance to a wholly secular private nonprofit organization established by a primarily religious organization.* (i) If a primarily religious organization is foreclosed from direct participation as a project sponsor under the requirements set forth in paragraph (e)(2) of this section, the primarily religious organization may establish a wholly secular private nonprofit organization to serve as the project sponsor under this part.

(A) The wholly secular organization must agree to provide housing and supportive services in a manner that is free from religious influences and in accordance with other terms described in the grant agreement.

(B) The wholly secular organization may enter into a management contract with the primarily religious organization to operate the facility, including the provision of supportive services. In such a case, the primarily religious organization must agree in the management contract to carry out its contractual responsibilities in a manner free from religious influences and in accordance with conditions prescribed by HUD.

(C) The acquisition/rehabilitation advance and the moderate rehabilitation grant are subject to the requirements of paragraph (e)(2) of this section.

(ii) HUD will not require the primarily religious organization to establish the wholly secular organization before the selection of the application. In such a case, the applicant must name the wholly secular organization as the project sponsor in the application. In determining whether the wholly secular organization is financially responsible, the applicant may consider the primarily religious organization's financial responsibility and its commitment to provide appropriate resources to the project sponsor upon its formation, in addition to the other factors listed under § 841.210(b)(2)(ii)(B). The project sponsor's capacity to carry out activities under §§ 841.210(b)(2)(iii) and 841.215(b)(1), may be based on the primarily religious organization's capacity and its commitment to provide appropriate resources to the project sponsor after its formation. The requirement that the recipient or project sponsor must have site control (§ 841.210(b)(4)(v)(A), may be satisfied if the applicant demonstrates that the primarily religious organization has site control and has a commitment to transfer control of the site to the recipient or the project sponsor following selection. Since the wholly secular organization will not be in existence at the time of the application, it will be required to demonstrate that it meets the definition of private nonprofit organization and has the appropriate legal authority to participate in the program following selection (see § 841.210(b)(2)(i) and (iv)). If such an application is selected for funding, the obligation of funds will be conditioned upon the compliance with these requirements.

(f) *Structures used for multiple purposes.* Structures used to provide permanent housing may also be used for other purposes. For example, a structure may contain facilities for an emergency shelter as well as permanent housing, may be used to provide supportive services to the public at large, or may include commercial space. Under these circumstances, however, the acquisition/rehabilitation advance and the moderate rehabilitation grant will be available only in proportion to the use of the structure for permanent housing.

(g) *Administrative costs.* No more than five percent of an acquisition/rehabilitation advance or moderate rehabilitation grant provided under this part may be used for administrative purposes.

§ 841.125 Matching requirements.

(a) *General.* (1) The recipient must match the assistance provided by HUD with at least an equal amount of State or local government funds that will be used solely for acquisition, rehabilitation or moderate rehabilitation. At least 50 percent of the recipient's matching contribution must be State government funds.

(2) HUD may waive all or part of the requirement that at least 50 percent of the recipient's matching contribution must be State government funds, if HUD determines that:

(i) The State is experiencing a severe financial hardship that makes it unable to provide 50 percent of the recipient's matching contribution and

(ii) The local governments of the areas to be served by the project will contribute additional funds in an aggregate amount equal to the amount of the State contribution waived by HUD.

(3) Except for funds made available to the State or local government under HUD's Community Development Block Grant program, funds provided by the Federal government under federally assisted programs are not State or local government funds, and may not be used to compute the State or local government matching contribution.

(b) *Assistance categories.* The recipient must fulfill the matching requirement for the acquisition/

rehabilitation advance and the moderate rehabilitation grant. No match is required for technical assistance.

(c) *"In-kind" contributions.* Matching contributions under this section must be State or local government funds. "In-kind" contributions are excluded from the matching computation.

(d) *Other requirements.* State or local government funds used in the matching contribution are subject to the requirements governing the funding of existing housing facilities and programs and the maintenance of effort requirements described at §§ 841.120 (a) and (b).

§ 841.130 Assistance under other HUD programs.

(a) *Supplemental assistance.* HUD will permit the use of additional assistance for permanent housing for handicapped homeless persons in connection with the program of Supplemental Assistance for Facilities to Assist the Homeless contained in Subtitle D of Title IV of the Stewart B. McKinney Homeless Assistance Act.

(b) *Ineligible projects.* HUD will not assist a project under this part if the project involves a structure that is assisted, or residents of the structure will receive assistance, under the United States Housing Act of 1937; section 202 of the Housing Act of 1959; section 221(d)(3) (BMIR) or section 236 of the National Housing Act; or section 101 of the Housing and Urban Development Act.

(c) *HUD-owned properties.* HUD, in cooperation with PHAs and local government, will make HUD-owned single family properties in its inventory available to parties for purchase for use in connection with permanent housing for handicapped homeless persons. To obtain these properties, parties may request a listing of available properties from the HUD Field Office, Property Disposition Branch. If a party wishes to purchase a property or properties, it must request the PHA or unit of local government to enter into a lease/option agreement with HUD. Under the terms of the agreement, HUD will lease the property to the PHA or unit of local government for six months for one dollar. The lease/option agreement will state that the PHA or unit of local government may purchase the property at a stated price during the lease period, and will require the PHA or unit of local government to assign all rights under the agreement to the party. Applicants demonstrating an assignment of rights under a lease/option agreement at the time their application is filed will be regarded as having site control of the property under § 841.210(b)(4)(v)(A). If the option is not exercised, the lease/option agreement will expire at the end of six months, and the property will be returned to HUD's inventory.

Subpart C—Comprehensive Homeless Assistance Plan

§ 841.150 Comprehensive Homeless Assistance Plan.

(a) *Prohibition of assistance.* Assistance under this part may not be provided to an applicant, unless the applicant has a HUD-approved Comprehensive Homeless Assistance Plan.

(b) *Notification of Plan requirements.* HUD will publish the requirements that pertain to the Comprehensive Homeless Assistance Plan in the **Federal Register**, as necessary. Prospective applicants should familiarize themselves with these requirements.

Subpart D—Application and Selection Process

§ 841.200 Notice of fund availability.

When funds are made available for assistance for permanent housing for handicapped homeless persons, HUD will publish a notice of fund availability in the **Federal Register**. The notice will:

(a) Give the location for obtaining application packages that provide specific application requirements and guidance;

(b) Specify the time and the place for submitting completed applications;

(c) State the amount of funding available under the notice; and

(d) Provide other appropriate program information and guidance.

§ 841.205 Application requirements.

(a) *General.* Applicants must submit applications for assistance under this part in the form and within the time periods established by HUD.

(b) *Application requirements.* At a minimum, HUD will require applications to include:

(1) Applicant and project sponsor data (identity, evidence of eligibility, description of project sponsor's past experience, and legal authority to submit the application and to operate the proposed housing);

(2) A description of the size and characteristics of the handicapped homeless population that will occupy the permanent housing (including a description of the handicapped homeless population to be served, number of individuals to be served in the project, and supportive services required by the proposed residents);

(3) A description of the proposed project, including:

(i) Information regarding the structure to be used (including site control and zoning data, information concerning the consistency of the proposal with local government plans, and a description of the structure and of any proposed rehabilitation);

(ii) A narrative description of the proposed operations (including the supportive services to be offered to the residents, the method that will be used to provide or coordinate the provision of such services, and procedures for resident selection and assessment);

(4) A certification of consistency with the applicable Comprehensive Homeless Assistance Plan as described under § 841.210(b)(4)(vi)(B);

(5) Project financial data (amount of assistance requested, a description of the State and local government funds that are expected to be made available to comply with the matching requirements of § 841.125, and a certification or a request for waiver as described under § 841.210(b)(3)(ii);

(6) Assurances satisfactory to HUD that the project will be operated for not less than 10 years in accordance with this part;

(7) A letter of participation as described in § 841.210(b)(2)(ii)(A), an assessment of how the proposal will meet the needs of handicapped homeless persons as described in § 841.210(b)(4)(i)(B), the designation of State agencies as described in § 841.210(b)(4)(ii)(D), and a maintenance of effort certification as described in § 841.210(b)(5);

(8) A certification that the project sponsor has agreed to fulfill the requirements set forth in § 841.305; and

(9) Other data as prescribed by HUD.

§ 841.207 Selection process.

The selection process for applications for assistance under this part has four stages:

(a) The threshold stage (see § 841.210),

(b) The ranking stage (see § 841.215),

(c) The environmental stage (see § 841.220); and

(d) The final selection stage (see § 841.225).

§ 841.210 Threshold requirements.

(a) *General.* To be eligible for evaluation under the ranking criteria set out in § 841.215, applications must meet each of the threshold criteria described below (as modified for wholly secular private nonprofit organizations established by primarily religious organizations under § 841.120(e)). If HUD determines that an application fails to meet the threshold criteria in paragraph (b)(3) (matching), (b)(4)(v)(A)

(site control), or (b)(4)(v)(B) (zoning) of this section, that these are the only deficiencies in the application under the threshold criteria, and that the deficiencies are correctable, HUD may contact the applicant, identify the deficiencies, explain how the deficiencies can be corrected, and require the applicant to correct the deficiencies. HUD will establish a deadline for the submission of the additional information that will permit the Department to meet its deadlines for final selection. Applications that fail to meet all threshold criteria, including those that have not been corrected within any additional time provided by HUD, will not be eligible for assistance under this part.

(b) *Threshold criteria.* The threshold criteria are:

(1) *Form, time, and adequacy of the application.* The application must be filed in the application form prescribed by HUD under § 841.205 and within the time period established by HUD in the notice of funds availability under § 841.200.

(2) *Applicant and project sponsor*—(i) *Eligibility to receive assistance.* The applicant must be the State in which the permanent housing is to be located and must demonstrate that the project sponsor is a private nonprofit organization.

(ii) *Financial responsibility.* (A) HUD has determined, for purposes of this part, that all applicants are financially responsible. Applicants, however, must provide a letter of participation from the Governor or other chief executive officer of the State, containing assurances that the applicant will promptly transmit assistance to the project sponsor and will facilitate the provision of necessary supportive services to the residents of the project.

(B) The applicant must demonstrate that the project sponsor has been approved by the Governor or other chief executive official of the State as to financial responsibility. In making its determination of financial responsibility, the applicant must consider factors such as the past financial history of the project sponsor, its current and anticipated financial outlook, the amount of funding that will be committed under the proposal, and its other financial responsibilities.

(iii) *Capacity.* Applicants must demonstrate that the project sponsor has the ability to carry out activities under this part within a reasonable time after execution of the grant agreement with HUD, and in a successful manner. In making this determination, HUD will consider the extent and quality of the project sponsor's past experience in establishing and operating housing or in providing or coordinating supportive services. HUD also will consider the ability of the project sponsor's personnel to perform administrative, managerial, and operational functions necessary to the successful development and operation of permanent housing.

(iv) *Legal authority.* Each applicant must:

(A) Demonstrate that it and the project sponsor have the legal authority to participate in the program and to carry out activities in accordance with program requirements and the requirements of other applicable Federal law; and

(B) Certify that a resolution, motion, or similar action has been duly adopted or passed as an official act by the governing body of the applicant and the project sponsor, authorizing the submission of the application under this part.

(3) *Matching*—(i) *Certification.* Each applicant must provide a certification stating:

(A) That it will match the amount of the assistance to be provided under this part with at least an equal amount of State or local government funds that will be used solely for acquisition or rehabilitation, and

(B) That at least 50 percent of this matching contribution will be made up of State government funds.

The applicant must also indicate the extent to which it will supplement assistance under this part with amounts in addition to those specified in the preceding paragraph.

(ii) *Waiver.* If the applicant cannot certify that at least 50 percent of the matching contribution will be composed of State government funds, it must demonstrate that it is eligible for a waiver of this requirement under § 841.125(a)(2).

(4) *Proposed housing and supportive services*—(i) *Need.* (A) The applicant must demonstrate that an unmet need for the proposed permanent housing exists in the area to be served and that this need is likely to continue through the term of the commitment to HUD. Need may be demonstrated by information such as:

(*1*) Estimates, based on past experience in the community, of unmet demand for the proposed permanent housing by the handicapped homeless persons to be served;

(*2*) Present need for the proposed permanent housing, based on estimates of the population of handicapped homeless persons to be served; or

(*3*) Projections of future need for the proposed permanent housing.

Applicants may use relevant information contained in the Comprehensive Homeless Assistance Plan to demonstrate an unmet need for the proposed permanent housing.

(B) Each applicant must provide an assessment of how the proposed project will meet the needs of handicapped homeless persons in the State.

(ii) *Adequacy of the proposed supportive services.* (A) Each applicant must demonstrate that the supportive services proposed (including the residential supervision to be provided) appropriately address the needs of the handicapped homeless population to be served, and are sufficient to serve the purposes of the proposed permanent housing program.

(B) In determining the adequacy of proposed services, HUD will assess the supportive services to be provided to the residents by the applicant, by the project sponsor, and through other private and public organizations. Supportive services may be provided on-site, or off-site if the services are readily accessible to the handicapped homeless population to be served. Services are readily accessible if residents can get to the services on their own, or if transportation is provided to the site where the services are provided.

(C) Where services are to be provided through private or public organizations other than the applicant or the project sponsor, the applicant must secure a letter of intent from each organization, indicating its willingness and ability to provide the services to the residents of the housing, and must attach these letters to the application.

(D) Applicants must designate the State agency that has primary responsibility for providing services to the handicapped and that will assist the State housing finance agency (or other state agency) in fulfilling the State's responsibilities under this part. If the agency designated is not the agency responsible for the overall administration of the project, the applicant must also designate the administering agency.

(iii) *Adequacy of the proposed housing.* (A) Applicants must demonstrate that the proposed structures and sites are appropriate for the provision of housing and supportive services for the handicapped homeless population proposed to be served. When determining whether a structure will be suitable for the provision of permanent housing, HUD will consider whether the structures are designed to permit the provision of proposed on-site supportive services, and whether any proposed off-

site supportive services are readily accessible.

(B) The applicant must demonstrate that the design of the project and its location within a community will ensure that the housing will be provided in a residential, rather than an institutional, setting and that the project will be integrated into the neighborhood in which it is located. If the permanent housing involves a group home, no more than one home may be located on one site, and no home may be located on a site that is contiguous to another site containing such a home.

(iv) *Limitation on number of residents.* The applicant must demonstrate that the number of residents served by the project will not exceed the limitation contained in § 841.325.

(v) *Siting and zoning.* Except as provided in paragraph (a) of this section, applicants must meet the following three siting and zoning requirements at the time of the application:

(A) The applicant must demonstrate that it or the project sponsor has control of the site involved. For example, the applicant may demonstrate that it (or the project sponsor) owns or has an option to purchase, or leases or has an option to lease, the structure involved; and

(B) The applicant must demonstrate that the proposed use of the site is permissible under applicable zoning ordinances and regulations; or provide a statement describing the proposed actions necessary to make the use of the site permissible under applicable zoning ordinances and regulations, and demonstrate that there is a reasonable basis to believe that the proposed zoning actions will be completed successfully and within 4 months following the submission of the application.

(C) The applicant must submit a statement that the proposed project is not located in any 100-year floodplain, as designated by maps prepared by the Federal Emergency Management Agency (FEMA). If 50 percent or more of the living space in the structure is designed for residents with mobility impairments, the applicant must submit a statement that the project is not located in any 500-year floodplain, as designated on FEMA maps.

(vi) *Consistency with government plans*—(A) *Consistency with local government plans.* Applicants must furnish a written statement from the unit of general local government in which the proposed permanent housing is proposed to be located, indicating that the proposed use of the structure and site for permanent housing is not inconsistent with any plan of the local government that may have an effect on the use of the structure and site for this purpose. This requirement is satisfied if the applicant demonstrates that it made a written request to the unit of local government for the statement and has not received the statement within 30 days of the request. (Applicants must immediately forward to HUD any written statement received from the unit of local government after the expiration of this 30-day period.)

(B) *Consistency with Comprehensive Homeless Assistance Plan.* Applicants must provide a certification from the State official responsible for submitting the Comprehensive Homeless Assistance Plan, stating that the proposed project is consistent with the Plan.

(vii) *Displacement.* Each applicant must certify that its proposed activities will not result in the temporary or permanent displacement of any person or entity. HUD will not fund applications that will cause any individual, family, partnership, corporation, or association to move from real property or to move its personal property from real property because of an actual or impending acquisition or rehabilitation of real property, in whole or in part, for a project.

(5) *Maintenance of effort.* Each applicant must certify that the use of assistance received under this part (and State or local government funds used to supplement this assistance) complies with § 841.120(b).

(6) *Proposal feasibility.* Each applicant must demonstrate that its proposal, when viewed as a whole, is operationally feasible and provides adequate housing and supportive services to serve the purposes of the permanent housing program.

§ 841.215 Ranking criteria.

(a) *In general.* Applications that fulfill each of the threshold requirements of § 841.210 will be assigned a rating score and will be placed in ranked order, based upon the criteria described in paragraph (b) of this section.

(b) *Criteria.* Applications will be assigned a rating and will be ranked, based upon the following criteria:

(1) *Project sponsor capacity.* HUD will consider the project sponsor's relative ability to carry out activities under the program within a reasonable time, and in a successful manner, after the execution of the grant agreement with HUD. The factors HUD will consider in making this judgment are discussed in § 841.210(b)(2)(iii). HUD will assign the greatest number of points under this criterion to applications involving project sponsors that have experience in establishing and operating permanent housing for handicapped homeless persons and in providing or coordinating supportive services for its residents, and that demonstrate, on the basis of prior experience, the greatest ability to carry out activities under the program expeditiously and successfully.

(2) *Innovative quality of proposal.* HUD will consider the innovative quality of the proposal in providing permanent housing and supportive services for handicapped homeless persons. In assessing an application under this factor, HUD will consider the degree to which the applicant demonstrates that:

(i) The proposal uses a new or unusual approach that holds promise of successfully providing permanent housing and supportive services to handicapped homeless persons.

(ii) The new or unusual approach that the applicant will use would be replicable by others.

(3) *Matching.* HUD will consider the extent to which the applicant proposes to match the amount of assistance to be provided by HUD with more than an equal amount of funds from State or local government funds. Requirements for matching amounts are discussed at §§ 841.125 and 841.210(b)(3).

(4) *Cost effectiveness.* HUD will consider the extent to which the applicant's proposed costs in acquiring or rehabilitating housing under the program:

(i) Are reasonable in relation to the work done and the goods and services purchased; and

(ii) Are effective in accomplishing the purposes of the project.

(5) *Project quality.* HUD will consider the extent to which the project will meet the needs of handicapped homeless persons in the State (as described in the State's assessment of needs submitted under § 841.210(b)(4)(i)(B)). HUD will assign the greatest number of points under this criterion to applications that will best provide permanent housing and supportive services addressing the needs of handicapped homeless persons, as identified in the assessment.

§ 841.220 Environmental review.

(a) *General.* In the third stage of the selection process, HUD will conduct an environmental review of a number of the highest-ranked applications. Environmental reviews will not be performed on all applications ranked under the second stage. Rather, HUD will review the number of highest-rated applications necessary to ensure an adequate pool of applications for the final selection stage. Any application

that does not move to this third stage of processing will not be selected for funding.

(b) *Environmental considerations.* In conducting the environmental review, HUD will assess the environmental effects of each application in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and HUD's implementing regulations at 24 CFR Part 50. Any application that requires an Environmental Impact Statement (EIS) (generally, those applications that HUD determines would have a significant impact on the human environment, in accordance with the environmental asssessment procedures at 24 CFR Part 50, Subpart E) is not eligible for funding under this part.

(c) *Rating adjustments.* (1) As a result of the environmental review, HUD may find that it cannot approve an application unless adeqaute measures are taken to mitigate environmental impacts. (See *e.g.*, 24 CFR Part 51). Accordingly, HUD will adjust the rating scores of such applications, based on the anticipated time delays in adopting appropriate impact mitigation measures.

(2) The environmental review often will reveal information not contained in the application that may have relevance to the selection process. HUD will make further adjustments to the ratings based on the information revealed during the environmental review.

§ 841.225 Final selection.

In the final stage of the selection process, the highest-ranked applications will be considered for final selection in accordance with their rank order, as determined under § 841.215, and any adjustments made during environmental review under § 841–220. If the top-rated applications under the ranking criteria described above involve projects that predominantly serve one geographic area or primarily serve one type of handicapped homeless population, HUD may substitute one or more other highly-rated applications to ensure reasonable variety in the demonstration.

Subpart E—Program Requirements

§ 841.300 Grant agreement.

(a) *General.* The duty to provide permanent housing in accordance with the requirements of this part will be incorporated in a grant agreement executed by HUD and the recipient.

(b) *Enforcement.* HUD will enforce the obligations in the grant agreement through actions on the contract. In addition, restrictions regarding the use of structures will be contained in covenants recorded in the land records of the jurisdiction in which the structure is located.

§ 841.305 Required agreements.

Each recipient of assistance for permanent housing for handicapped homeless persons must require the project sponsor to agree:

(a) To operate a project providing permanent housing in accordance with this part.

(b) To conduct an ongoing assessment of the supportive services required by the residents of the project.

(c) To provide such residential supervison as HUD determines is necessary to facilitate the adequate provision of supportive services to the residents of the housing throughout the term of the commitment to operate permanent housing. Such residential supervision may include the employment of a full-or part-time residential supervisor with sufficient knowledge to provide, or to supervise the provision of, supportive services to the residents of permanent housing.

(d) To use the structure for which assistance is provided as permanent housing for not less than 10 years following the date of initial occupancy.

(e) To provide safe and sanitary housing, and to comply with all State and local housing codes, licensing requirements, and other requirements regarding the condition of the structure and the operation of the permanent housing.

(f) To keep any records and make any reports that HUD may require.

§ 841.310 Term of commitment and repayment of advance.

(a) *General.* All projects must be operated as permanent housing in accordance with this part for a term of at least 10 years from the date of initial occupancy.

(b) *Repayment of advance.* (1) The recipient of an acquisition/rehabilitation advance under § 841.105 must repay the advance in the amount prescribed under paragraph (b) (2) of this section and in accordance with the terms prescribed by HUD.

(2) The recipient must repay the full amount of the acquisition/rehabilitation advance if the project is used for permanent housing for less than 10 years following the date of initial occupancy. For each full year that the project is used for permanent housing following the expiration of this 10-year period, the amount that the recipient will be required to pay will be reduced by one-tenth of the original advance. If the project is used for permanent housing for 20 years following the date of initial occupancy, the recipient will not be required to repay any portion of the acquisition/rehabilitation advance under this section.

(3) Upon the recipient's written request, HUD may determine that a project is no longer needed for use as permanent housing, and may approve an alternate use of the project for the direct benefit of lower income persons. For the purposes of determining the amount of the recipient's repayment obligation, such a project will continue to be treated as permanent housing as long as it is used for the approved alternate purpose.

(c) *Successors.* A recipient may select a new project sponsor to operate the housing in accordance with the project sponsor's obligations under this part. The successor-project sponsor must be approved by HUD before operations of the project may be transferred.

(d) *Calculation of term of commitment.* The 10-year operation term commences on the date that the project is initially occupied by a handicapped homeless person for whom assistance is provided under this part. If the only assistance provided under this program is used to provide a substantial increase in the level of supportive services provided in an existing facility serving the homeless (see § 841.120(a)), the 10-year operating term commences on the date that the expanded services are first provided to the residents of the project.

§ 841.312 Casualty insurance.

The recipient must obtain, and maintain in force, property casualty insurance, with HUD named as beneficiary, in an amount at least equal to the amount of the acquisition/rehabilitation advance or the moderate rehabilitation grant provided to the recipient.

§ 841.313 Eminent domain.

A recipient whose structure is taken by eminent domain must repay the acquisition/rehabilitation advance or the moderate rehabilitation grant provided to the recipient, to the extent that funds are available from the eminent domain proceeding.

§ 841.315 Prevention of undue benefits.

(a) *General.* If assistance in the form of an acquisition/rehabilitation advance or a moderate rehabilitation grant is provided for a project and the project is sold or otherwise disposed of during the 20 years following initial occupancy of the project, the recipient must comply with such terms and conditions as HUD may prescribe to prevent the recipient from unduly benefitting from the sale or the disposition.

(b) *Exception.* This section does not apply to sales or dispositions that result in the continued use of the project for the direct benefit of lower income persons or where all proceeds from the sale or disposition are used to provide supportive housing.

§ 841.320 Resident rent.

Each homeless individual residing in permanent housing is required to pay as rent an amount determined in accordance with section 3(a) of the United States Housing Act of 1937. Under section 3(a), each resident must pay as rent the highest of

(a) 30 percent of the family's monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child care expenses);

(b) 10 percent of the family's monthly income; or

(c) If the family is receiving payments for welfare assistance from a public agency and a part of the payments, adjusted in accordance with the family's actual housing costs, is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated.

As part of its technical assistance under § 841.115, HUD will provide successful applicants with information and assistance concerning the calculation of resident rent.

§ 841.325 Number of residents.

If the permanent housing consists of dwelling units in a rental building, a condominium, or a cooperative, the project may not serve more than eight handicapped homeless persons, and the homeless families of the eight handicapped homeless persons (if the head of the family or the spouse of the head of the family is a handicapped homeless person). If the permanent housing is a group home, the project may not serve more than eight handicapped homeless persons, and may not serve the families of the handicapped homeless persons.

§ 841.330 Applicability of other Federal requirements.

Use of the assistance provided under this part must comply with the following additional requirements:

(a) *Nondiscrimination and equal opportunity.* The nondiscrimination and equal opportunity requirements that apply to the Program are discussed below. Nothwithstanding the permissibility of proposals that serve designated populations of handicapped homeless persons, recipients and project sponsors serving a designated population of handicapped homeless persons are required, within the designated population, to comply with these requirements for nondiscrimination on the basis of race, color, religion, sex, national origin, age, and handicap.

(1) The requirements of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601–19) (Fair Housing Act) and implementing regulations; Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107; and Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1;

(2) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and implementing regulations at 24 CFR Partr 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehibilitation Act of 1973 (29 U.S.C. 794);

(3) The requirements of Executive Order 11246 (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR Chapter 60;

(4) The requirements of section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects); and

(5) The requirements of Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, recipients and project sponsors must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

(6) If the procedures that the recipient or project sponsor intends to use to make known the availability of the permanent housing are unlikely to reach persons of any particular race, color, religion, sex, age, or national origin who may qualify for admission to the housing, the recipient or project sponsor must establish additional procedures that will ensure that these persons are made aware of the availability of permanent housing opportunities. The recipient and the project sponsor must also establish additional procedures that will ensure that interested persons can obtain information concerning the existence and location of services and facilities that are accessible to handicapped persons.

(b) *Environmental.* The National Environmental Policy Act of 1969, the related authorities in 24 CFR Part 50, and the Coastal Barriers Resources Act of 1982 (16 U.S.C. 3601) are applicable to proposals under this program.

(c) *Applicability of OMB Circulars.* The policies, guidelines, and requirements of OMB Circular Nos. A–87 and A–102 apply to the acceptance and use of assistance under the program by governmental entities, and OMB Circular Nos. A–110 and A–122 apply to the acceptance and use of assistance by private nonprofit organizations.

(d) *Lead-based paint.* (1) The requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR Part 35 (except as superseded in paragraph (d)(2) of this section) apply to the program.

(2)(i) This paragraph implements the provisions of section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate, as far as practicable, the hazards of lead-based paint poisoning with respect to structures for which assistance is provided under this program. This paragraph is promulgated under 24 CFR 35.24(b)(4) and supersedes, with respect to the program, the requirements prescribed in Subpart C of 24 CFR Part 35. The requirements of this paragraph apply to structures that will be occupied by children under seven years of age.

(ii) The following definitions apply to this paragraph (b):

Applicable surface means all exterior surfaces of a residential structure, up to five feet from the floor or ground, such as a wall, stairs, deck, porch, railing, window, or door, which are readily accessible to children under seven years of age, and all interior surfaces of a residential structure.

Chewable surface means all chewable protruding painted surfaces up to five feet from the floor or ground, which are readily accessible to children under seven years of age, e.g., protruding corners, windowsills and frames, doors and frames, and other protruding woodworks.

Defective paint surfaces means paint on applicable surfaces that is cracking, scaling, chipping, peeling, or loose.

Elevated blood lead level or EBL means excessive absorpiton of lead: that is, a confirmed concentration of lead in whole blood of 25 ug/dl (micrograms of lead per deciliter of whole blood) or greater.

Lead-based paint means a paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 mg/cm^2.

(iii) In the case of a structure constructed before 1973, the applicant must inspect the structure for defective paint surfaces before it submits an application. Recipients must inspect

assisted structures at least annually during the term of their operating commitment to HUD. If defective paint surfaces are found, treatment in accordance with 24 CFR 35.24(b)(2)(ii) is required. Correction of defective surfaces found during the initial inspection must be completed before initial occupancy of the project. Correction of defective paint conditions discovered at periodic inspection must be completed within 30 days of their discovery. When weather conditions prevent completion of repainting of exterior surfaces within the 30-day period, repainting may be delayed, but covering or removal of the defective paint must be completed within the prescribed period.

(iv) In the case of a structure constructed before 1973, if the recipient is presented with test results that indicate that a child under the age of seven years occupies the structure and has an elevated blood lead level (EBL), the recipient must cause the unit to be tested for lead-based paint on chewable surfaces. Testing must be conducted by a State or local health or housing agency, or by an inspector certified by a State or local health or housing agency. Lead content must be tested by using an X-ray flourescence analyzer (XRF) or other method approved by HUD. Test readings of 1 mg/cm^2 or higher using an XRF shall be considered positive for presence of lead-based paint. Where lead-based paint on chewable surfaces is identified, covering or removal of the paint surface in accordance with 24 CFR 35.24(b)(2)(ii) is required.

(v) In lieu of the procedures set forth in the preceding clause, the recipient may, at its discretion, abate all interior and exterior chewable surfaces in accordance with the methods set out at 24 CFR 35.24(b)(2)(ii).

(vi) The recipient must take appropriate action to protect tenants from hazards associated with abatement procedures.

(vii) The recipient must keep a copy of each inspection report for at least three years. If a unit requires testing, or treatment of chewable surfaces based on the testing, the recipient must keep the test results and, if applicable, the certification of treatment, indefinitely. The records must indicate which chewable surfaces in the units have been tested or treated. If records establish that certain chewable surfaces were tested, or tested and treated, in accordance with the standards prescribed in this Section, these surfaces do not have to be tested or treated at any subsequent time.

(3) Applicants and recipients under this part may require project sponsors to comply with some or all of the requirements of this paragraph (d). The applicant or recipient, however, must ensure that the program sponsor carriers out all requirements in accordance with the paragraph, and must retain ultimate responsibility for complying with the requirements of this paragraph.

(e) *Conflicts of interest.* In addition to conflict of interest requirements in OMB Circulars A-102 and A-110, no person:

(1) Who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or the project sponsor, that receives assistance under the program and who exercises or has exercised any functions or responsibilities with respect to assisted activities or

(2) Who is in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

(f) *Use of debarred, suspended, or ineligible contractors.* The provisions of 24 CFR Part 24 apply to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

(g) *Audit.* The financial management systems used by recipients under this program must provide for audits in accordance with 24 CFR Part 44. Project sponsors are subject to the audit requirements of OMB Circular A-110. HUD may perform or require further and additional audits as it finds necessary or appropriate.

(h) *Intergovernmental review.* The requirements for intergovernmental review in Executive Order No. 12372 and the implementing regulations at 24 CFR Part 52 are not applicable to applications under this program.

(i) *Davis-Bacon Act.* The provisions of the Davis-Bacon Act (40 U.S.C. 276a-276a-5) do not apply to the program.

Subpart F—Administration

§ 841.400 Obligation of funds, funding amendments and deobligation.

(a) *Obligation of funds.* When HUD selects an application for funding and notifies the recipient, it will obligate funds to cover the amount of the approved acquisition/rehabilitation advance or moderate rehabilitation grant.

(b) *Increases.* After the initial obligation of funds, HUD will not make any upward revisions to the amount obligated for the acquisition/rehabilitation advance or the moderate rehabilitation grant.

(c) *Deobligation.* (1) HUD may deobligate amounts for the acquistion/rehabilitation advance or the moderate rehabilitation grant:

(i) If the actual total costs of acquisition, substantial rehabilitation, acquisition and rehabilitation, or moderate rehabilitation, are less than the total costs anticipated in the application; or

(ii) If proposed acquisition or rehabilitation activities are not begun or completed within a reasonable time after selection.

(2) If, as a result of an audit, HUD determines that the recipient has expended funds for uses that are ineligible under this part, HUD may adjust or deobligate funding amounts, as appropriate, to recover the ineligible costs.

(3) The grant agreement may set forth in detail other circumstances under which funds may be deobligated, and other sanctions may be imposed.

(4) HUD may:

(i) Readvertise the availability of funds that have been deobligated under this section in a notice of fund availability under § 841.200, or

(ii) Reconsider applications that were submitted in response to the most recently published notice of fund availability and select applications for funding with the deobligated funds. Such selections will be made in accordance with §§ 841.207-841.255.

Dated: October 21, 1987

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 87-24769 Filed 10-23-87; 8:45 am]

BILLING CODE 4210-27-M

Notices

Federal Register
Vol. 52, No. 206
Monday, October 26, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1987 Service Annual Survey
Form Number: Agency—B–500T, B–500M, B–500T1, B–500T2, and B–500M1; OMB—0607–0422
Type of Request: Revision of a currently approved collection
Burden: 21,000 respondents; 4,650 reporting hours
Needs and uses: This survey is the only annual source of service receipts data. These data are used by the Federal Government for computation of the national accounts and for economic policy decisions, and by private industry for marketing analysis. Coverage was expended in response to Congressional and private initiatives.
Affected Public: Businesses or other for-profit institutions, non-profit institutions, and small businesses or organizations
Frequency: Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Francine Picoult, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC. 20503

Dated: October 20, 1987.

Edward Michals,

Departmental Clearance Officer of Management and Organization.

[FR Doc. 87–24705 Filed 10–23–87; 8:45 am]

BILLING CODED 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1987 Census of Manufactures Report from Penal Institutions
Form Number: Agency—MC–D4; OMB—NA
Type of Request: New collection
Burden: 52 respondents; 104 reporting hours
Needs and Uses: This census is conducted as part of the 1987 Economic and Agriculture Censuses in accordance with the requirements of Title 13, United States Code. The data from this report are used by the Bureau of Economic Analysis in its benchmarking of national accounts and are the only source of measured output of manufactured products by penal institutions.
Affected Public: State or local governments
Frequency: Quinquennially
Respondent's Obligation: Mandatory
OMB Desk Officer: Francine Picoult, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: October 20, 1987.

Edward Michals,

Departmental Clearance Officer, Officer of Management and Organization.

[FR Doc. 87–24706 Filed 10–23–87; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis
Title: Institutional Remittance to Foreign Countries
Form Number: Agency—BE–40; OMB—0608–0002
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 450 respondents; 1,080 reporting hours
Needs and Uses: This survey collects data on U.S. institutional remittances to foreign countries. The data is required for the preparation of the private remittances accounts of the U.S. balance of payments accounts.
Affected Public: Non-profit institutions
Frequency: Quarterly and annually
Respondent's Obligation: Voluntary
OMB Desk Officer: John Griffen, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: October 20, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–24707 Filed 10–23–87; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration
Title: Employment Data of Recipient or Other Party Connected with EDA Assistance
Form Number: Agency-EDA-525; OMB-0610-0021
Type of Request: Extension of a currently approved collection
Burden: 150 respondents; 600 reporting hours
Needs And Uses: This collection is necessary to obtain employment data to be analyzed to determine compliance status of recipients or "other parties" connected with EDA projects.
Affected Public: State or local governments, businesses or other for-profit institutions, non-profit institutions
Frequency: On occasion
Respondent's Obligation: Mandatory
OMB Desk Officer: John Griffen, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: October 20, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-24708 Filed 10-23-87; 8:45 am]

BILLING CODE 3510-07-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis
Title: Direct Transactions of U.S. Reporter with Foreign Affiliate
Form Number: Agency—BE—577; OMB—0608-0004
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 8,800 respondents; 35,200 reporting hours
Needs and Uses: This survey collects data on current and capital account transactions between U.S. persons and foreign business enterprises in which they have an equity interest of 10 percent or more. Consists of data on earnings; dividends, interest, and fees and royalties received; and outstanding debt and equity position.
Affected Public: Businesses or other for-profit institutions
Frequency: Quarterly
Respondent's Obligation: Mandatory
OMB Desk Officer: John Griffen, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC. 20503.

Dated: October 20, 1987

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-24709 Filed 10-23-87; 8:45 am]

BILLING CODE 3510-07-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis
Title: Foreign Personal Remittances
Form Number: Agency—BE-579; OMB—0608-0003
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 144 respondents; 144 reporting hours
Needs and Uses: This survey collects data on personal remittances to foreign individuals. The data is required for the preparation of the private remittances accounts of the U.S. balance of payments accounts. These accounts are used extensively by Government, international organizations such as the International Monetary Fund, The Organization for Economic Cooperation and Development, industry, and other private groups, and are an integral part of the U.S. National Income and Product Accounts.
Affected Public: Businesses or other for-profit institutions
Frequency: Monthly and quarterly
Respondent's Obligation: Voluntary
OMB Desk Officer: John Griffen, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC. 20503.

Dated: October 20, 1987

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-24710 Filed 10-23-87; 8:45 am]

BILLING CODE 3510-07-M

National Bureau of Standards

[Docket No. 71021-7221]

Request for Applications; Beta Test Sites for NBS Test Suite for POSIX [1]

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice.

SUMMARY: The Institute for Computer Sciences and Technology (ICST) at the National Bureau of Standards (NBS) is seeking organizational applicants for Beta Test Sites for the NBS Reference Implementation Test Suite (NBS-RIM) to test conformance to the proposed Federal Information Processing Standard (FIPS) on POSIX.

DATE: To become a Beta Test Site for the NBS-RIM, organizations should apply in writing by November 25, 1987.

ADDRESS: Applications should be submitted to: POSIX Beta Test, Attn: Roger J. Martin, National Bureau of Standards, Building 225, Room B266, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Roger J. Martin, (301) 975-3295.

SUPPLEMENTARY INFORMATION: The Institute for Computer Sciences and Technology (ICST) at the National Bureau of Standards (NBS) is seeking organizational applicants for Beta Test Sites for the NBS Reference Implementation Test Suite (NBS-RIM) to test conformance to the proposed Federal Information Processing Standard (FIPS) on POSIX.

[1] POSIX is a trademark of IEEE.

NBS/ICST has entered into an agreement with AT&T which permits NBS/ICST to use a subset of the AT&T System V Verification Suite (SVVS) as the basis for developing the NBS–RIM. SVVS is a licensed proprietary software product of AT&T. Pursuant with NBS/ICST's agreement with AT&T, Beta Test Sites must sign a NBS/ICST nondisclosure agreement prior to receiving the NBS–RIM.

The purpose of the beta testing is to ensure that the NBS–RIM has been fully debugged and ready for release into the public domain at which time it will become available for sale through the National Technical Information Service (NTIS). Beta testing is scheduled to begin on, or about, December 1, 1987. Beta Test Sites will execute the NBS–RIM in their environments and will be required to provide timely reports to NBS on the results. Interested parties should submit the name, telephone number and address of a contact to NBS at the address shown above.

Ernest Ambler,

Director.

Date: October 20, 1987.

[FR Doc. 87–24724 Filed 10–23–87; 8:45 am]

BILLING CODE 3510-CN-M

[Docket No. 71012–7212]

National Voluntary Laboratory Accreditation Program; Bulk Asbestos Analyses, etc.

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) announces the establishment of an accreditation program for laboratories that perform analyses for asbestos content in sample of: (1) Bulk insulation and building material collected during school inspections; and (2) airborne particulates collected following asbestos abatement projects. Establishment of the program is pursuant to Section 206d of the Asbestos Hazard Emergency Response Act (AHERA) of October 1986. The program provides accreditation for: (a) Laboratories analyzing bulk asbestos samples by means of polarized light microscopy (PLM); and (b) laboratories analyzing airborne asbestos samples by means of transmission electron microscopy (TEM), in accordance with protocols specified by the U.S. Environmental Protection Agency (EPA).

DATE: (1) The evaluation of an initial group of applicant laboratories, for bulk asbestos analyses, will commence on or about October 1, 1988. Laboratories wishing to be accredited in the first group must submit an application form and pay an initial fee of $300.00 by December 28, 1987. The fee is refundable if the laboratory's application is withdrawn before its evaluation begins.

(2) The evaluation of an initial group of applicant laboratories, for airborne asbestos sample analyses, will commence on or about October 1, 1989. NVLAP will announce the availability of applications and any initial fee for accreditation in the first group, at a later date.

ADDRESSES: (1) Laboratories may obtain applications for accreditation for bulk asbestos analyses by calling (301) 975–4016 or writing to:

Manager, NVLAP, Attn. ASB–BK ACR, A531 Administration, National Bureau of Standards, Gaithersburg, MD 20899.

(2) Laboratories may inform NVLAP of their intent to apply for accreditation, for airborne asbestos sample analyses, in the first group by writing to:

Manager, NVLAP, Attn. ASB–AIR ACR, A531 Administration, National Bureau of Standards, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Harvey W. Berger, Manager, National Voluntary Laboratory Accreditation Program, National Bureau of Standards, Admin. A531, Gaithersburg, MD 20899, (301) 975–4016.

SUPPLEMENTARY INFORMATION:

Background

This notice is issued in accordance with the NVLAP Procedures (15 CFR Part 7). Establishment of this program is pursuant to the requirements of Pub. L. 99–519, the Asbestos Hazard Emergency Response Act (AHERA) of October 1986, for: (1) Inspection of schools for asbestos containing materials, (2) air monitoring following asbestos abatements, and (3) accreditation of laboratories that perform analysis of bulk and/or airborne materials for asbestos content. The AHERA, under section 206 of the Toxic Substances Control Act, Title II (conforming amendment including AHERA), requires that NBS establish the laboratory accreditation program with funds provided by EPA. In August 1987, EPA and NBS signed an Interagency Agreement under which funds were provided by EPA to NBS to establish, develop, and implement the asbestos accreditation program.

In a letter dated January 6, 1986, Ian M. Stewart, V.P., McCrone Environmental Services, Inc., Chicago, IL, requested that NBS establish an accreditation program for laboratories that perform asbestos abatement testing. A notice of that request was published in the **Federal Register** on February 14, 1986 (51 FR 5582–5583), and written comments on the need for that program were received.

Bulk Asbestos Testing

NBS accreditation will be granted to laboratories that meet NVLAP criteria for determining the asbestos content of building materials by polarized light microscopy (PLM). Quality assurance (proficiency) testing will require demonstrated laboratory competence for detection in the range of 0 to 100 percent asbestos. The six commonly identified asbestos fibers (chrysotile, amosite, anthophyllite, crocidolite, actinolite, and tremolite) may be included in the test. Other commonly used bulk insulation and building materials (wollastonite, fiber glass, organic fibers, etc.) may also be included.

NVLAP will accredit laboratories which demonstrate their competence to perform bulk asbestos testing, in accordance with protocols specified by the EPA, and/or applicable standard test methods of the American Society for Testing Materials (ASTM). Competence will be determined through quality assurance (proficiency) testing and on-site laboratory assessments performed by technical experts. Laboratories must meet all NVLAP criteria and requirements in order to become accredited.

Laboratories will be provided with information on testing protocols and the criteria upon which accreditation actions will be based. They will be informed of the *balance* of fees due prior to evaluation. Those fees must be submitted in order for laboratories to be considered for accreditation in the first group.

Airborne Asbestos Testing

NVLAP will accredit laboratories which demonstrate their competence to perform airborne asbestos testing in accordance with protocols specified by EPA. Competence will be determined through quality assurance (proficiency) testing and on-site laboratory assessment performed by technical experts. Laboratories must meet all NVLAP criteria and requirements in order to become accredited.

NBS accreditation will be granted to laboratories that meet NVLAP criteria for measuring asbestos in airborne particulate samples, from post-abatement clearance testing, by transmission electron microscopy

(TEM). Quality assurance (proficiency) testing will require demonstrated laboratory competence for detection at no near ambient levels of asbestos. However, levels may be higher in some cases to simulate ambient levels where abatement is incomplete (approximately 0.04 fibers per cubic centimeter).

Although the AHERA refers to the use of scanning electron microscopy (SEM) for airborne asbestos sample analysis, TEM is recognized as the preferred technique. It is the intent of NBS and EPA to include in this program any monitoring technique which has been demonstrated to reliably determine the asbestos materials of interest. SEM has been used by several investigators for airborne asbestos fibers. However, no standard protocol for the analysis of airborne asbestos by SEM has been used by those investigators. EPA comparisons between TEM and SEM have shown mixed results and the relative utilities of the two methods have been extensively debated in recent years. The SEM procedure used appears unable to detect small diameter asbestos fibers. NBS has developed and is currently evaluating a draft SEM protocol for EPA. Preliminary NBS results indicate that SEM does not permit distinguishing the asbestos fiber signal against the background signal. It is the NBS and EPA position that it is inappropriate to develop an accreditation program based on SEM while this research is continuing. When the NBS investigation is complete, a decision to offer NVLAP accreditation for SEM will be made if it has been demonstrated to be capable of sufficient detection capability.

Establishment of Technical Requirements for the Accreditation Process

Specific requirements and criteria will be established for determining laboratory qualifications for accreditation following prescribed NVLAP criteria. Criteria will address quality systems, staff, facilities and equipment, calibrations, test methods and procedures, manuals, records, and test reports. Laboratory competence will be determined through: (1) On-site assessments (systems audit) of the laboratory by peer assessors, (2) evaluation of analysts' background, competence and experience, (3) review of the technical documentation, and (4) quality assurance (proficiency) testing through analysis of representative samples containing asbestiform and non-asbestiform fibers in accordance with designated procedures. The performance test criteria will emphasize qualitative results and to a lesser degree the quantitative results. This is due to the emphasis in the AHERA and other EPA regulations which define greater than 1 percent asbestos as an action level without further regard for exact quantitation.

Laboratories which apply for accreditation and pay all necessary fees will be required to meet proficiency testing (quality assurance testing) requirements and on-site assessment requirements before initial accreditation and will be required to meet on-going proficiency testing requirements to retain accreditation.

NBS in cooperation with technical experts in EPA and other public and private technical organizations will develop draft protocols, technical criteria and procedures for accreditation. Public workshops will be held to afford opportunities for interested parties to review and comment on the technical and administrative procedures proposed for the accreditation program. Notice of such workshops will be published in the **Federal Register** and other appropriate media.

Raymond Kammer,

Acting Director.

Date: October 15, 1987.

[FR Doc. 87-24711 Filed 10-23-87; 8:45 am]

BILLING CODE 3510-13-M

[Docket No. 71022-7222]

National Voluntary Laboratory Accreditation Program; Directory of Accredited Laboratories Supplement

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of NVLAP Directory Supplement.

SUMMARY: The National Bureau of Standards (NBS) announces laboratory accreditation actions taken during the third quarter of 1987.

FOR FURTHER INFORMATION CONTACT: Harvey W. Berger, Manager, Laboratory Accreditation, ADMIN A531, National Bureau of Standards, Gaithersburg, MD 20899 (301) 975-4016.

SUPPLEMENTARY INFORMATION: This supplement to the 1986-87 NVLAP Directory of Accredited Laboratories (NBSIR 87-3519) is published pursuant to section 7.6(b) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR 7.6(b)).

The following table summarizes NVLAP accreditation actions for the period July 1, 1987, through September 30, 1987.

	TIM	CTS	CAR	STO	ACO	CPL	DOS	SEA	ECT	Totals
Initial accreditations			1				1			+2
Renewals		1					1			+2
Terminations	1	1								−2
870930 Balance	36	25	22	9	8	6	50	1	16	173

The laboratories awarded initial accreditation are:

Carpet: Bentley Laboratory, City of Industry, CA, Donvan Morris, 800-423-4907

Dosimetry: United States Testing, Richland, WA, Govind R. Rao, 509-375-3131

The laboratories whose accreditation was renewed are:

Construction Testing

Services: Phillipine Geoanalytics, Quezon City, Philippines, Emilio M. Morales, 97-27-12

Dosimetry: Omaha Public Power District, Omaha, NE, Marilyn Hawes, 402-536-4696

The laboratories whose accreditation was terminated are:

Insulation: Apache Building Products Company, Linden, NJ

Construction Testing

Services: PTL Inspectorate, Inc., Pittsburgh, PA

TIM—Insulation LAP

CTS—Construction Testing Services LAP (formerly Concrete LAP)

CAR—Carpet LAP

ACO—Acoustical Testing Services LAP

STO—Stove LAP

CPL—Commercial Products LAP (Paint, Paper, Mattresses)

DOS—Dosimetry LAP
SEA—Seals and Sealants LAP
ECT—Electromagnetic Compatibility and Telecommunications

Raymond Kammer,
Acting Director.

Date: October 19, 1987.

[FR Doc. 87-24712 Filed 10-23-87; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Permits; Foreign Fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the exclusive economic zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*).

Send comments on applications to:

Fees and Permits Branch (F/MTS21), National Marine Fisheries Service, Department of Commerce, Washington, DC 20235

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231-0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 320 South New Street, Dover, DE 19901, 302/674-2331

Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571-4366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00918, 809/753-4926

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228-2815

Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Building, Suite 420, 2000 SW. First Avenue, Portland, OR 97201, 503/221-6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907/274-4563

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523-1368

FOR FURTHER INFORMATION CONTACT:
John D. Kelly or Shirley Whitted (Fees and Permits Branch, 202-673-5319).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1987 have been received from the Governments shown below.

Dated: October 19, 1987.

Carmen J. Blondin,
Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional fishery management councils
ABS	Atlantic Billfishes and Sharks.	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean
BSA	Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic Ocean.	New England, Mid-Atlantic.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Pacific Groundfish (Washington, Oregon and California).	Pacific.
PBS	Pacific Billfishes and Sharks.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support.
2	Processing and other support only
3	Other support only.
*	Vessel(s) in support of U.S. vessels Joint Venture
**	Cargo transport vessels with fish finding equipment on board will receive an activity code 2 to enable them to perform both scouting as well as support activities.

Nation, Vessel name, and Vessel type	Application Number	Fishery	Activity
Government of the People's Republic of China:			
Yun Hai, Factory Ship	CH-87-0007	BSA, WOC GOA	1*
Government of Denmark:			
F/V Olaf I Gardastovu, Large Stern Trawler	DA-87-0051	NWA	1*
F/V Radhamar, Large Stern Trawler	DA-87-0052	NWA	1*
Government of the Greece:			
M.V. Nissos Skiathos, Cargo/Transport Vessel	GR-87-0007	WOC	3
Reefer Turbo, Cargo/Transport Vessel	GR-87-0008	WOC	3
Government of Japan:			
Anyo Maru No. 1, Small Stern Trawler	JA-87-1552	BSA	1
Eniwa Maru, Large Stern Trawler	JA-87-0898	BSA, GOA	1*
Hekifu, Cargo/Transport Vessel	JA-87-0196	BSA, GOA NWA	3
Sanyo Maru, Cargo/Transport Vessel	JA-87-0924	BSA, GOA NWA	3
Kaiyo Maru No. 28, Medium Stern Trawler	JA-87-1544	BSA	1
Kiyo Maru, Cargo/Transport Vessel	JA-87-1026	BSA, GOA NWA	3
Eikyu Maru No. 5 Medium Stern Trawler	JA-87-1549	BSA	1
Eikyu Maru No. 6 Medium Stern Trawler	JA-87-1550	BSA	1
Eikyu Maru No. 82, Longline Fishing Vessel	JA-87-0607	BSA	1
Fukuho Maru No. 78, Small Stern Trawler	JA-87-1548	BSA	1
Fukuyoshi Maru No. 26, Longline Fishing Vessel	JA-87-0644	BSA	1
Sumi Maru No. 8, Longline Fishing Vessel	JA-87-1546	ABS	1
Teisho Maru No. 68, Small Stern Trawler	JA-87-1547	BSA	1
Government of the Republic of Korea:			
Nam Joo Ho, Tanker	KS-87-0146	BSA, GOA WOC	3
Government of the Polish People's Republic:			
Goplo, Medium Stern Trawler	PL-87-0057	BSA, GOA WOC	1*
Government of the Union of Soviet Socialist Republics:			
Ostrov Shmidta, Cargo/Transport Vessel	UR-87-0256	BSA, GOA WOC	3

[FR Doc. 87-24719 Filed 10-23-87; 8:45 am]
BILLING CODE 3510-22-M

Permits; Foreign Fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the exclusive economic zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*) Send comments on applications to: Fees and Permits Branch (F/TS21), National Marine Fisheries Service, Department of Commerce, Washington, DC 20235 or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 320 South New Street, Dover, DE 19901, 302/674–2331

Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571–4366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00918, 809/753–4926

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228–2815

Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Building, Suite 420, 2000 S.W. First Avenue, Portland, OR 97201, 503/221–6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907/274–4563

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523–1368

For further information contact John D. Kelly or Shirley Whitted (Fees and Permits Branch, 202–673–5319).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all regulations for such permits summarizing the contents of the applications in the **Federal Register.** The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1988 have been received from the Governments shown below.

Dated: October 21, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional fishery management councils
ABS	Atlantic Billfishes and Sharks.	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean
BSA	Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic Ocean.	New England, Mid-Atlantic.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Pacific Groundfish (Washington, Oregon and California).	Pacific.
PBS	Pacific Billfishes and Sharks.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support.
2	Processing and other support only.
3	Other support only.
*	Vessel(s) in support of U.S. vessels (Joint Venture).
**	Cargo transport vessels with fish finding equipment on board will receive an activity code 2 to enable them to perform both scouting as well as support activities.

Nation, Vessel name, and Vessel type	Application No.	Fishery	Activity
Government of the German Democratic Republic:			
Willi Bredel, Large Stern Trawler	GC–88–0024	NWA	1*
Bodo Uhse, Large Stern Trawler	GC–88–0040	NWA	1*
Ehm Welk, Large Stern Trawler	GC–88–0041	NWA	1*
Ludwig Renn, Large Stern Trawler	GC–88–0054	NWA	1*
Lichtenhagen, Cargo/Transport Vessel	GC–88–0055	NWA	3
Reutershagen, Cargo/Transport Vessel	GC–88–0056	NWA	3
Bruno Apitz, Large Stern Trawler	GC–88–0053	NWA	1*
Government of the Kingdom of the Netherlands:			
Alida, Large Stern Trawler	NL–88–0006	NWA	1*
Prins Bernhard, Large Stern Trawler	NL–88–0007	NWA	1*
Ariadne, Medium Stern Trawler	NL–88–0009	NWA	1*
Cornelis Vrolijk FZN, Medium Stern Trawler	NL–88–0014	NWA	1*
Zeeland, Large Stern Trawler	NL–88–0022	NWA	1*
Holland, Large Stern Trawler	NL–88–0023	NWA	1*
Hendrika Johanna, Medium Stern Trawler	NL–88–0025	NWA	1*
Dirk Dirk, Large Stern Trawler	NL–88–0026	NWA	1*
Annie Hillina, Medium Stern Trawler	NL–88–0027	NWA	1*
Astrid, Large Stern Trawler	NL–88–0028	NWA	1*
Friesland, Medium Stern Trawler	NL–88–0031	NWA	1*
Geertruid Margreta, Large Stern Trawler	NL–88–0032	NWA	1*
Government of the Polish People's Republic:			
Kunatka, Large Stern Trawler	PL–88–0021	NWA	1*
Laskara, Large Stern Trawler	PL–88–0024	NWA	1*
Halniak, Cargo/Transport Vessel	PL–88–0029	NWA, WOC, BSA, GOA	3
Lewanter, Cargo/Transport Vessel	PL–88–0030	NWA, WOC, BSA, GOA	3
Buran, Cargo/Transport Vessel	PL–88–0033	NWA, WOC, BSA, GOA	3
Admiral Arciszewski, Large Stern Trawler	PL–88–0081	NWA	1*
Terral, Cargo/Transport Vessel	PL–88–0086	NWA, WOC, BSA, GOA	3
Andromeda, Large Stern Trawler	PL–88–0088	NWA	1*
Solano, Cargo/Transport Vessel	PL–88–0112	NWA, WOC, BSA, GOA	3
Tornado, Cargo/Transport Vessel	PL–88–0113	NWA, WOC, BSA, GOA	3
Kulbin, Stern Trawler	PL–88–0117	NWA	1*
Kantar, Large Stern Trawler	PL–88–0118	NWA	1*
Gemini, Large Stern Trawler	PL–88–0048	BSA, GOA, WOC	1*
Indus, Large Stern Trawler	PL–88–0094	BSA, GOA, WOC	1*
Perseus, Large Stern Trawler	PL–88–0004	BSA, GOA, WOC	1*

Nation, Vessel name, and Vessel type	Application No.	Fishery	Activity
Pollux, Large Stern Trawler	PL-88-0006	BSA, GOA, WOC	1*
Regulus, Large Stern Trawler	PL-88-0095	BSA, GOA, WOC	1*
Sagitta, Large Stern Trawler	PL-88-0040	BSA, GOA, WOC	1*
Sirius, Large Stern Trawler	PL-88-0062	BSA, GOA, WOC	1*
Vega, Large Stern Trawler	PL-88-0055	BSA, GOA, WOC	1*
Garnela, Large Stern Trawler	PL-88-0008	BSA, GOA, WOC	1*
Grinwal, Large Stern Trawler	PL-88-0007	BSA, GOA, WOC	1*
Goplo, Medium Stern Trawler	PL-88-0057	BSA, GOA, WOC	1*
Humbak, Large Stern Trawler	PL-88-0019	BSA, GOA, WOC	1*
Kalmar, Large Stern Trawler	PL-88-0039	BSA, GOA, WOC	1*
Kolias, Large Stern Trawler	PL-88-0050	BSA, GOA, WOC	1*
Manta, Large Stern Trawler	PL-88-0052	BSA, GOA, WOC	1*
Marlin, Large Stern Trawler	PL-88-0034	BSA, GOA, WOC	1*
Mors, Large Stern Trawler	PL-88-0063	BSA, GOA, WOC	1*
Mustel, Large Stern Trawler	PL-88-0012	BSA, GOA, WOC	1*
Orcyn, Large Stern Trawler	PL-88-0077	BSA, GOA, WOC	1*
Orlen, Large Stern Trawler	PL-88-0078	BSA, GOA, WOC	1*
Otol, Large Stern Trawler	PL-88-0011	BSA, GOA, WOC	1*
Delfin, Large Stern Trawler	PL-88-0065	BSA, GOA, WOC	1*
Hajduk, Large Stern Trawler	PL-88-0066	BSA, GOA, WOC	1*
Parma, Large Stern Trawler	PL-88-0084	BSA, GOA, WOC	1*
Rekin, Large Stern Trawler	PL-88-0080	BSA, GOA, WOC	1*
Dzieci Polskie, Cargo/Transport Vessel	PL-88-0091	BSA, GOA, WOC	3
Dalmor 2, Large Stern Trawler	PL-88-0114	BSA, GOA, WOC	1*
Denebola, Large Stern Trawler	PL-88-0075	BSA, GOA, WOC	1*
Altair, Large Stern Trawler	PL-88-0115	BSA, GOA, WOC	1*
Antares, Large Stern Trawler	PL-88-0037	BSA, GOA, WOC	1*
Arcturus, Large Stern Trawler	PL-88-0038	BSA, GOA, WOC	1*
Prof. Bogucki, Large Stern Trawler	PL-88-0107	BSA, GOA, WOC	1*
Cassiopeia, Large Stern Trawler	PL-88-0099	BSA, GOA, WOC	1*
Tazar, Large Stern Trawler	PL-88-0054	BSA, GOA, WOC	1*
Tunek, Large Stern Trawler	PL-88-0045	BSA, GOA, WOC	1*
Walen, Large Stern Trawler	PL-88-0009	BSA, GOA, WOC	1*
Wloczmik, Large Stern Trawler	PL-88-0020	BSA, GOA, WOC	1*
Amarel, Large Stern Trawler	PL-88-0046	BSA, GOA, WOC	1*
Aquarius, Large Stern Trawler	PL-88-0103	BSA, GOA, WOC	1*
Aquila, Large Stern Trawler	PL-88-0097	BSA, GOA, WOC	1*
Awior, Large Stern Trawler	PL-88-0060	BSA, GOA, WOC	1*
Bogar, Large Stern Trawler	PL-88-0085	BSA, GOA, WOC	1*
Antoni Garnuszewski, Cargo/Transport Vessel	PL-88-0106	BSA, GOA, WOC	3
Gdynski Kosynier, Cargo/Transport Vessel	PL-88-0090	BSA, GOA, WOC	3
Kaszuby 2, Cargo/Transport Vessel	PL-88-0027	BSA, GOA, WOC	3
Kociewie, Cargo/Transport Vessel	PL-88-0116	BSA, GOA, WOC	3
Kapitan Ledochowski, Cargo/Transport Vessel	PL-88-0097	BSA, GOA, WOC	3
Mazury, Cargo/Transport Vessel	PL-88-0096	BSA, GOA, WOC	3
Pieniny 2, Tanker Fuel/Water	PL-88-0110	BSA, GOA, WOC	3
Plock, Cargo/Transport Vessel	PL-88-0109	BSA, GOA, WOC	3
Tatry, Tanker Fuel/Water	PL-88-0108	BSA, GOA, WOC	3
Wineta, Cargo/Transport Vessel	PL-88-0061	BSA, GOA, WOC	3
Zulawy, Cargo/Transport Vessel	PL-88-0041	BSA, GOA, WOC	3
Zyrardow, Cargo/Transport Vessel	PL-88-0089	BSA, GOA, WOC	3
Zonda, Cargo/Transport Vessel	PL-88-0102	BSA, GOA, WOC	3
Government of the Union of Soviet Socialist Republics:			
Sovetsk, Factory Ship	UR-88-0777	NWA	1*

Joint Venture

The Governments of the German Democratic Republic (GDR), the Kingdom of the Netherlands (Netherlands), the Polish People's Republic (Poland), and the Union of the Soviet Socialist Republics (USSR) have submitted permit applications to engage in joint venture activities in the NWA mackerel fishery during 1988. The following table summarizes their request:

NORTHWEST ATLANTIC OCEAN MACKEREL FISHERY

Country	Species request		
	Joint venture (mt)	Directed (mt)	American partner
GDR	8,000	22,000	Mayflower International, ltd., Gloucester, MA.
Netherlands.	2,000	30,000	Scan Ocean, Ltd., Gloucester MA.

NORTHWEST ATLANTIC OCEAN MACKEREL FISHERY—Continued

Country	Species request		
	Joint venture (mt)	Directed (mt)	American partner
Poland	7,000	21,000	Mayflower International, ltd., Gloucester, MA.
USSR	4,500	22,500	Resource Trading Co., Portland, OR.

The Government of the Polish People's Republic has also submitted application requests in the WOC hake fishery for 51,000 mt for directed and joint venture activities in equal amounts; and a request for pollock in the BSA fishery for 45,000 mt for directed and joint venture activities in equal amounts.

[FR Doc.87-24720 Filed 10-23-87; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 6 to Permit No. 220]

National Marine Fisheries Service; Permit Modification; Southwest Fisheries Center (P77N)

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Parts 216), Scientific Research Permit No. 220 issued to the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, on February 3, 1978 (43 FR 6827), as modified on March 9, 1978 (43 FR 11730), April 4, 1978 (43 FR 14982), May 16, 1979 (44 FR 29951), May 13, 1980 (45 FR 33676), and November 30, 1982 (47 FR 55262), is further modified to extend the period of authorized taking for one year.

Section B.12 is deleted and replaced by:

"12. This Permit is valid with respect to the taking authorized herein until December 31, 1988."

This modification becomes effective on October 20, 1987.

Documents submitted in connection with the above Permit and modification are available for review in the following offices:

Office of Protected Resources and Habitat Programs, 1825 Connecticut Avenue, NW., Room 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Date: October 20, 1987.

Dr. Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 87-24718 Filed 10-23-87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Extension of an Import Restraint Limit for Certain Wool Textile Products Produced or Manufactured in the People's Republic of China

October 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 27, 1987. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-6828. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to extend the import restraint limit for wool textile products in Category 442, produced or manufactured in the People's Republic of China and exported to the United States for the period which begins on October 27, 1987 and extends through October 26, 1988.

Background

On October 28, 1986 a notice was published in the **Federal Register** (51 FR 39408) which announced the establishment of import restraint limits for certain cotton and wool textile products, including Category 442, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on October 27, 1986 and extends through October 26, 1987.

To avoid continued risk of market disruption, the Committee for the Implementation of Textile Agreements, in accordance with section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973 and extended by protocols on December 14, 1977, December 22, 1981 and July 31, 1986; and the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, has decided to extend the restraint limit for the twelve-month period which begins on October 27, 1987 and extends through October 26, 1988.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

October 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 27, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 442, produced or manufactured in the People's Republic of China and exported during the twelve-month period which begins on October 27, 1987 and extends through October 26, 1988, in excess of 20,390 dozen.

Goods shipped in excess of the previous twelve-month period established in the directive of October 24, 1986, which began on October 27, 1986 and extends through October 26, 1987 shall be subject to the level set forth in this letter.

Effective on October 27, 1987, you are directed to charge 10,106 dozen to the limit established in this directive for goods imported on October 27, 1986 and exported during the period July 29, 1986 through October 26, 1986.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-24752 Filed 10-23-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. QF88-5-000, et al.]

Rivanna Water & Sewer Authority, et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Rivanna Water & Sewer Authority)

[Docket No. QF88-5-000]

October 20, 1987.

On October 7, 1987, Rivanna Water & Sewer Authority, c/o George W. Williams, Executive Director, P.O. Box 18, Charlottesville, Virginia 22902-0018, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 950 kilowatt hydroelectric facility will be located on the south fork of the Rivanna River in Albemarle County, Virginia.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

2. City of Harrisburg, Pennsylvania

[Docket No. QF88-2-000]

October 20, 1987.

On October 2, 1987, The City of Harrisburg, Pennsylvania (Applicant), of Department of Public Works, Vance McCormick Public Services Center, Harrisburg, Pennsylvania 17101-1681, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 34,400 kW hydroelectric facility (FERC P. 10418) will be located on the Susquehanna River in Harrisburg, Pennsylvania.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

3. General Energy Development, Inc.

[Docket No. QF87-688-000]

October 21, 1987.

On September 29, 1987, General Energy Development, Inc. (Applicant), of 155 North Main Street, New City, New York 10956 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Oceanside, New York. The facility will consist of internal combustion generator sets. The electric power production capacity will be 6.25 megawatts. The primary energy source will be biomass in the form of landfill gas. There is no planned use of oil, coal or natural gas in this facility.

4. General Energy Development, Inc.

[Docket No. QF83-402-001]

October 21, 1987.

On September 29, 1987, General Energy Development, Inc. (Applicant), of 155 North Main Street, New York, New York 10956 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Albany, New York. The facility will consist of internal combustion generator sets. The electric power production capacity will be 2,500 kilowatts. The primary energy source will be biomass in the form of methane and other gases from a sanitary landfill.

By order issued November 22, 1983, the Director of Office of Electric Power Regulation granted certification of the facility as a small power production facility (25 FERC ¶62,258).

The recertification is requested due to change in ownership from Wehran Energy Corp. to General Energy Development, Inc. and electric power production capacity increase from 1,650 kilowatts to 2,500 kilowatts. All other facility's characteristics remain unchanged.

5. The Madera Power Plant Partnership

[Docket No. QF87-689-000]

October 21, 1987.

On September 30, 1987, The Madera Power Plant Partnership (Applicant), of 1620 Carpenter Road, Building C, Suite 28, Modesto, California 95351, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located six miles east of Firebaugh, Madera County, California and will consist of a fluidized bed combustion steam generator and a steam turbine generator. The net electric power production capacity of the facility will be approximately 20 MW. The primary source of energy will be biomass in the form of almond prunings, cotton stalks, wheat straw and other similiar agricultural waste products. Propane will be used for ignition, start-up, flame stabilization, and other uses identified under section 3(17)(B) of the Federal Power Act. Such fossil fuel uses, however, will not exceed one percent of the total energy input to the facility during any calendar year period.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24729 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87-58-000]

E.D. Anderson; Petition for Adjustment From the 150-day Filing Requirement

October 21, 1987.

On September 3, 1987, E.D. Anderson (Anderson) filed with the Commission, pursuant to § 271.805(f)(1) of the Commission's regulations, a petition requesting waiver of the 150-day time limit for filing applications for continued stripper well status for wells that over-produce because of enhanced recovery operations.[1] Approval of such an application would permit the applicant to continue to collect the maximum lawful price for previously qualified stripper well gas sold under section 108 of the Natural Gas Policy Act of 1978 (NGPA).

Anderson states that he is the owner and operator of the D.W. Tucker well, located in Jack County, Texas, and that the well qualified as a NGPA section 108 stripper well on June 21, 1982. Anderson states that in November 1982, he applied enhanced recovery techniques to the Tucker well and, as a result, production from the well exceeded the 60 Mcf per day ceiling in order to qualify as a stripper well under § 271.804.[2] According to Anderson, the Tucker well was disqualified as a stripper well effective December 1, 1982. Anderson states that because he was unaware of the 150 day filing requirement for production enhancement applications, he failed to make the required filing under § 271.805(f)(1) of the Commission's regulations. Anderson asserts that the purchaser of the gas, Lone Star Gas Company, also failed to notify the jurisdictional agency of the over-production from the Tucker No. 1 well, as is required under the Commission regulations. According to Anderson, the enhanced recovery application was filed with the Texas Railroad Commission (TRC) on January 13, 1984, and approved on March 19, 1984.

Anderson requests that the Commission grant his petition for adjustment by waiving the 150-day application filing requirement of § 271.805(f)(1) and allowing the Tucker No. 2 well to qualify for the section 108 price from December 31, 1982 through January 13, 1984, when the enhanced recovery application was filed with the TRC.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 or 211 of the Commission's rules of practice and procedure.[3] All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 30 days following publication of this notice in the **Federal Register**. All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of this petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24733 Filed 10-23-87 8:45 am]

BILLING CODE 6717-01-M

[1] 18 CFR 271.805(f)(1)(1987).

[2] 18 CFR 271.804 (1987).

[3] 18 CFR 385.214 and 385.211 (1987).

[Docket No. CI88-30-000]

Brandywine Industrial Gas Inc.; Application

October 21, 1987.

Take notice that on October 15, 1987, Brandywine Industrial Gas Inc., a Delaware corporation, P.O. Box 2197, Houston, Texas 77252, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (15 U.S.C. 717f(b) and 717f(c)) and §§ 157.5 and 157.23 of the Federal Energy Regulatory Commission's Regulations (18 CFR 157.5 and 157.23), for a blanket certificate of public convenience and necessity authorizing the sale of natural gas for resale in interstate commerce on the spot and/or short-term market with pregranted abandonment authority.

Brandywine requests that the sales and abandonment authority requested be made applicable to all natural gas which remains subject to the Commission's jurisdiction under the Natural Gas Act (NGA). The authority is requested for (1) gas never previously sold in interstate commerce but which, if sold, would require a certificate; (2) NGA gas which is not committed to a contract; and (3) gas which has been abandoned in connection with (i) take-or-pay settlements under §§ 2.76 and 2.77, (ii) automatic abandonments pursuant to Order Nos. 451 and 451-A, and (iii) other producer/supplier abandonments secured through various other established methods. Brandywine requests such authority as to gas owned by it, and not to sales on behalf of others or as agent for others, and further requests that such authority be granted for a term of three years.

Brandywine also requests that filing of a blanket affidavit to cover such sales in accordance with § 154.94(h) of the Commission's Regulations be waived and, to the extent that Brandywine qualifies for any allowance for production-related costs under section 110 of the NGPA, Brandywine requests that the requirement that it comply with § 154.94(k) and Part 271 of the Commission's Regulations be waived. Finally, Brandywine requests that the certificate state that Brandywine will be subject to the Commission's jurisdiction only to the extent necessary to effectuate the requested authority and only with respect to its participation in the transactions authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24734 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C187-867-000]

Cimarron Transmission Co. v. Lincoln Rock Corp.; Petition for Declaratory Order

October 21, 1987.

Take notice that on September 8, 1987, Cimarron Transmission Company (Cimarron) filed pursuant to Rule 207 of the Commission's rules of practice and procedure a petition for a declaratory order determining the meaning and effect of certain language in its rollover gas purchase contract with Lincoln Rock Corporation (LRC).

Cimarron states that LCR sells gas to Cimarron produced from certain lands and leases located in Love County, Oklahoma. Cimarron further states that LCR contends that it (LCR) is not

obligated under its contract with Cimarron to continue to compress the subject gas under the rollover contract (LRC's gas cannot enter Cimarron's system without first being compressed). According to Cimarron, LRC argues that if Cimarron does not elect to compress the gas then LRC is entitled to a release from its contractual commitment to sell the gas to Cimarron. Cimarron requests that the Commission issue a declaratory order as to the meaning and effect of the pertinent contract language which determines whether LRC is entitled to a contractual release. Cimarron further contends that all gas contractually committed to the interstate market piror to the enactment of the NGPA along with all gas thereafter commingled with such committed or dedicated gas prior to delivery to Cimarron remains committed or dedicated to the interstate market. Thus, Cimarron maintains that notwithstanding any contractual release, such gas must continue to be sold and delivered to Cimarron.

Any person desiring to protest this petition should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the requirements of rules 211 and 214 of the Commission's rules of practice and procedure, 18 CFR 385.211 and 385.214 (1987). Motion to intervene or protest should be filed not later than 30 days following publication of this notice in the **Federal Register.** All protests filed will be considered by the Commission but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24735 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-157-001]

El Paso Natural Gas Co.; Tariff Filing

October 21, 1987.

Take notice that on October 13, 1987, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act and in compliance with section 5.5 of Article V of the Offer of Settlement approved by Commission order issued September 29, 1987 at Docket No. RP86-157-000, Substitute Thirteenth Revised Sheet No. 100, Substitute First Revised Sheet No. 100-A and Original Sheet No. 100-B to its FERC Gas Tariff, First Revised Volume No. 1 and Substitute Thirty-seventh Revised Sheet No. 1-D to its FERC Gas Tariff, Third Revised Volume No. 2.

El Paso states that the Offer of Settlement resolves the issue of El Paso's net liquid revenue deficiencies and sets forth a revised billing procedure for natural gas liquid revenues which are currently being reflected in surcharges to El Paso's commodity rates. Section 5.5 of Article V of the Offer of Settlement provides that upon the effectuation of the Settlement, El Paso shall tender for filing with the Commission revised tariff sheets conforming to the *pro forma* tariff sheets which were attached to the Offer of Settlement. As indicated in section 2.1 of Article II of the Offer of Settlement, the *pro forma* tariff sheets reflect a reduction in El Paso's commodity rates, to be effective July 1, 1987, of $0.7489 per dth from those rates which were effective as of April 1, 1987. Such reduction reflects the elimination of the amounts included in El Paso's surcharge rate for collection of the change in net liquid revenues related to the period July through December, 1986, inclusive of related interest. The tariff sheets also reflect a special liquid surcharge of $0.2240 per dth applicable to the commodity rates charged to one-part rate customers (other than Gas Company of New Mexico) in lieu of direct billing. The *pro forma* tariff sheets also reflect the amount that the California two-part rate customers, other individual two-part rate customers and Gas Company of New Mexico will be directly billed each month for net liquid revenue deficiencies commencing with the billing for July, 1987 business and thereafter each month for 36 consecutive months in accordance with the calculation and allocation of the total revised billing amount set forth in Article II of the Offer of Settlement.

El Paso further states that consistent with section 5.5 of Article V of the Offer of Settlement, the tendered tariff sheets will conform, except as described below, to the *pro forma* tariff sheets attached to said Settlement.

El Paso states that there are two differences on the tendered tariff sheets from the *pro forma* tariff sheets. Tendered Substitute 13th Revised Sheet No. 100 reflects a footnote 1 notation at Rate Schedule ABD-S, section 3.1—Texas under the column heading "RP86-157 Settlement" and "Effective Tariff Rate" (the same footnote as indicated for New Mexico) which was inadvertently omitted on *pro forma* tariff Sheet No. 100. This change is necessary since Gas Company of New Mexico also purchases natural gas under the ABD-S—Texas Rate Schedule. For the same reason, tendered Substitute First Revised Sheet No. 100-A differs from the *pro forma* tariff Sheet No. 100-A by a revision to footnote 1 reflecting the rate for Gas Company of New Mexico for gas purchased under Rate Schedule ABD-S—Texas of $2.0941.

El Paso also tendered Substitute Thirty-seventh Revised Sheet No. 1-D to its FERC Gas Tariff, Third Revised Volume No. 2 which serves to reflect the Docket No. RP86-157-000 Settlement rates applicable to special Rate Schedule Z-6 as such rate schedule is keyed to Rate Schedule X-1 contained in El Paso's FERC Gas Tariff, First Revised Volume No. 1.

El Paso respectfully requests waiver of all applicable Commission rules and regulations as may be necessary to permit the tendered tariff sheets to become effective on July 1, 1987, the effective date approved by the Commission's September 29, 1987 order.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP86-157-000 and, otherwise, upon all of its interstate pipeline system customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before October 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24725 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FA86-70-000]

Missouri Public Service; Notice Establishing Intervention and Shortened Briefing Procedures

October 20, 1987.

By letter order dated July 29, 1987, in this docket, the Commission issued a report summarizing the results of a staff audit of the books and records of Missouri Public Service (Company). The letter order noted the Company's

disagreement with certain matters contained in the report and directed the Company to notify the Commission whether it consents to the disposition of the contested matters [1] under the shortened procedures set forth in Part 41 of the Commission's regulations.[2]

On August 27, 1987, the Company notified the Commission that it consented to the disposition of the contested matters under the shortened procedures.

In its July 29, 1987, letter order, the Commission noted that "In the event the Company continues to disagree with the Division of Audits' recommendations set forth herein, including the refunding of incorrect FAC billings, the question of the just and reasonableness of the Amax payments, which is the underlying standard for including the amounts in utility operating expense accounts, will become an issue in the proceedings to resolve the FAC overbilling issue." Accordingly, submissions in this proceeding should fully address why the payments should be considered just and reasonable by this Commission for accounting and rate recovery purposes, consistent with § 41.8 of the Commission's regulations.

The following schedule is hereby established:

(A) Any person desiring to participate in this docket should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1986)). All such protests or motions should be filed within 30 days after publication of this notice in the **Federal Register.** Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

(B) Missouri Public Service, any interested party and the Commission trial staff shall file with the Commission within 30 days of the date of publication of this notice in the **Federal Register** a memorandum of facts and arguments addressing the contested matters noted herein in accordance with Part 41 of the Commission's regulations under the Federal Power Act.

(C) Reply memoranda shall be filed with the Commission within 20 days thereafter.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24730 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[1] An explanation of the contested matters is set forth in the letter order.

[2] 18 CFR Part 41 (1986).

[Docket No. CI88-18-000]

Penn Resources, Inc., et al.; Application for Permanent Abandonment and Limited-Term Pregranted Abandonment for Sales Under Small Producer Certificates

October 21, 1987.

Take notice that on October 9, 1987, Penn Resources, Inc., *et al.*[1] (Penn, *et al.*) filed an application in Docket No. CI88-18-000, pursuant to section 7 of the Natural Gas Act requesting permanent abandonment of their sale of surplus residue gas to El Paso Natural Gas Company (El Paso) under a Residue Gas Purchase Agreement dated August 22, 1980. The residue gas is currently being delivered to El Paso at the tailgate of the Sand Hills Gas Processing Plant in Crane County, Texas. Penn, *et al.*, also request three-year pregranted abandonment for sales of such gas under the small producer certificate in Docket No. CS76-34.

In support of their application, Penn, *et al.*, state that El Paso has reduced its purchases because of the severe oversupply of natural gas in the market. Penn states it would like the opportunity to market the gas to the buyer of its choice. Actual production of jurisdictional gas was 344,311 MMBtu in 1986 and 140,396 MMBtu in the first half of 1987.[2] The gas is NGPA section 104 replacement contract gas (60%), 108 gas (8%) and 103 gas (32%).[3]

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in a proceeding must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Penn, *et al.*, to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24731 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[1] The *et al.* parties are Nancy Elizabeth Penson; Nancy and John G. Penson, Trustees; First Republic Bank, Dallas, Texas, Sole Trustee; Robert Read Penn; David Cawthon Penn; William Travis Penn; and Frank Walter Penn.

[2] Penn, *et al.*, state that it is difficult to estimate deliverability because the gas is casinghead gas and deliverability is a function of the level of oil produced from the reservoirs.

[3] Pursuant to NGPA section 601(a)(1)(B), the NGPA section 103 gas is no longer subject to the NGA and abandonment authorization is not needed for this gas.

[Docket No. CP85-18-002]

Point Arguello Natural Gas Line Co.; Filing of Initial FERC Gas Tariff and Executed Service Agreements

October 21, 1987.

Take notice that Point Arguello Natural Gas Line Company (PANGL) on October 1, 1987 tendered for filing its initial FERC Gas Tariff, Original Volume No. 1 and the executed Service Agreements with ten (10) shippers under Rate Schedule T-1, Firm Transportation Service. PANGL proposes that its tariff and executed Service Agreements become effective December 1, 1987 or such other date that is coincidental with the inservice date of the facilities presently under construction. PANGL has requested any necessary waivers of the Commission's Regulations, particularly § 154.51, in order for it to coordinate the completion of the construction of its facilities and the effective date of the filing.

PANGL states that on May 31, 1985, at Docket No. CP85-18-000 the Commission issued PANGL a certificate of Public Convenience and Necessity to construct and operate 26 miles of 20-inch pipeline and to transport natural gas for 10 shippers.

PANGL claims that the instant filing is in compliance with paragraph (E) of the Commission's May 31, 1985 order. Paragraph (E) states the following:

> PANGL shall file a cost-of-service tariff 60 days prior to commencement of transportation service under its Rate Schedule T-1. The cost-of-service tariff shall include the provisions described in the body of this order.

Copies of the filing were served upon PANGL's customers and all intervenors in this proceeding, including the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such motions should be filed on or before October 30, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of PANGL's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24738 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-91-001]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

October 21, 1987.

Take notice that Williams Natural Gas Company (WNG) on October 8, 1987, tendered for filing Substitute Revised Sheet No. 6 and Revised Original Sheet No. 97 to its FERC Gas Tariff, Original Volume No. 1 and Substitute First Revised Sheet Nos. 5 and 17 and First Revised Sheet Nos. 57, 91, 133, 144, 150, 153, 192, 281 and 309 to its FERC Gas Tariff, Original Volume No. 2. These tariff sheets are being filed in compliance with the Commission's letter order in Docket No. RP87-91-000, dated September 22, 1987.

WNG was required to file tariff sheets to include the ACA adjustments to all sales and transportation rate schedules that are affected by Order No. 472 and to file revised tariff sheets in compliance with Order No. 472-B.

WNG was required to file tariff sheets containing ACA amendments effective October 1, 1987 in the event the Commission allows WNG to change the effective date for filing PGA adjustments. WNG was allowed this change by Commission letter order dated September 28, 1987 in Docket No. RP87-118.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24739 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-4-49-004]

Williston Basin Interstate Pipeline Co.; Tariff Change

October 21, 1987.

Take notice that on October 13, 1987, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing, revised tariff sheets pursuant to the Commission's Order issued September 28, 1987. On October 7, 1987, Williston Basin filed a Motion for Extension of Time for filing revised tariff sheets. That Motion has been denied. Williston Basin filed the revised tariff sheets listed below under protest and with reservation of the right to be made whole from Commission directives.

First Revised Volume No. 1

Second Substitute Third Revised Sheet No. 10

Original Volume No. 2

Second Substitute Sixth Revised Sheet No. 10

Second Substitute Seventh Revised Sheet No. 11

The proposed effective date is June 1, 1987.

Williston Basin states that these revised tariff sheets effect a net rate decrease for Rate Schedule G-1, SGS-1, and I-1 of 28.589 cents per Dkt relative to Williston Basin's currently effective rates and a net rate decrease of 25.461 cents per Dkt relative to the July 1, 1987 compliance filing rates. Rate Schedule X-1 reflects a rate decrease of 12.645 cents per Dkt relative to the currently effective rate and a rate decrease of 4.463 cents per Dkt relative to the July 1, 1987 compliance filing rate, while Rate Schedule X-5 reflects a rate increase of 12.433 cents per Dkt relative to the currently effective rate and a rate decrease of 10.913 cents per Dkt relative to July 1, 1987 compliance filing rate.

In addition, Williston Basin submitted for filing as a part of its FERC Gas Tariff the following sheets, under protest:

First Revised Volume No. 1

Third Substitute Third Revised Sheet No. 10

Original Volume No. 2

Third Substitute Sixth Revised Sheet No. 10

Third Substitute Seventh Revised Sheet No. 11

The proposed effective date is September 28, 1987.

As compared to the above rates, effective June 1, 1987, the effect of these tariff sheets is to decrease the Company's First Revised Volume No. 1 sales rates by 6.727 cents per Dkt, decrease the Original Volume No. 2 Rate Schedule X-1 rate by 6.727 cents per Dkt and decrease the Original Volume No. 2 Rate Schedule X-5 rate by 41.009 cents per Dkt.

Any person desiring to be heard or to protest said tariff application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC 20426, in accordance with the Commission's Rules 211 and 214. All such motions protests should be filed on or before October 28, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene. Copies of the hearing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-24726 Filed 10-23-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Proposed Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for disbursement of $119 million, plus accrued interest, in alleged crude oil overcharge funds obtained from 109 firms. The OHA has tentatively determined that the funds will be distributed in accordance with the

DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

DATE AND ADDRESS: Comments must be filed in duplicate on or before November 25, 1987, and should be addressed to: Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All comments should display a reference to Case Number KFX–0033.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth the procedures that the DOE has tentatively formulated to distribute crude oil overcharge funds obtained from 109 firms, listed in the Appendix to the Decision, from judicial and administrative proceedings, involving alleged crude oil violations. The funds are being held in interest-bearing escrow accounts pending distribution by the DOE.

The DOE has tentatively decided to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986). Under the Modified Policy, crude oil overcharge monies are divided among the States, the Federal Government, and injured purchasers of refined products. Under the plan we are proposing, refunds to the States would be distributed in proportion to each State's consumption of petroleum products during the period of price controls. Refunds to eligible purchasers would be based on the number of gallons of petroleum products which they purchased and the extent to which they can demonstrate injury.

Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments must be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except Federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in rooom 1E–234, 1000 Independence Avenue SW., Washington, DC 20585.

Date: October 19, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

October 19, 1987.

Names of Cases: Ernest A. Allerkamp, *et al.*

Dates of Filing: May 12, 1987, *et al.*

Case Numbers: KFX–0033, *et al.*

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special refund procedures. 10 CFR 205.281. These procedures are used to refund moneys to those injured by actual or alleged violations of the DOE price regulations.

The ERA has filed 109 Petitions for the Implementation of Special Refund Procedures for crude oil overcharge funds obtained from the 109 firms whose names and OHA case numbers appear in the Appendix to this Decision.[1] To date, these 109 firms have remitted a total of $119 million to the DOE Pursuant to court-approved settlements, DOE consent orders or remedial orders.[2] An additional $68.2 million in interest has accrued on that amount as of August 31, 1987. This Proposed Decision and Order sets forth the OHA's plan to distribute these funds. Comments are solicited.

The general guidelines which the OHA may use to formulate and implement a plan to distribute refunds are set forth in 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE cannot readily identify the persons who may have been injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Office of Enforcement*, 9 DOE ¶82,508 (1981), and *Office of Enforcement*, 8 DOE ¶82,597 (1981). We have considered the ERA's requests to implement Subpart V procedures with respect to the moneys received from the 109 firms listed in the Appendix and have determined that such procedures are appropriate.

I. Background

A majority of the refund matters which are consolidated in the present Decision and Order were included in three previous decisions issued by the OHA in 1982 and 1984. *Office of Enforcement*, 9 DOE ¶82,521 (1982) (*Alkek*); Office of Enforcement, 9 DOE ¶82,553 (1982) (*Adams*); and *A. Johnson & Co., Inc.*, 12 DOE ¶85,102 (1984) (*A. Johnson*).[3] A number of other cases were initiated as the result of "global" consent orders resolving alleged violations by firms in their sales of both crude oil and refined petroleum products. *See, e.g., Standard Oil Co., (Indiana)*, 10 DOE ¶85,048 (1982). In those early Subpart V decisions, the DOE permitted injured persons to file claims and proposed to divide any unclaimed crude oil overcharge funds among the States for indirect restitution,

[1] Of those 109 Petitions, 94 were the subject of Final Decisions and Orders that were issued by the OHA prior to the implementation of the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (hereinafter referred to as the "MSRP"). The MSRP represents a major change in the Department's handling of crude oil overcharge cases. Accordingly, as discussed below, we have decided to propose revised procedures, pursuant to the MSRP, to distribute the crude oil violation amounts involved in those cases. In addition, we are including in this determination two ERA Petitions for which procedures were proposed but never finalized. Finally, we are also including 13 ERA Petitions on which no action previously has been taken.

In 14 of the cases consolidated for discussion in this Proposed Decision and Order (PDO), as noted in the Appendix, the alleged regulatory violations resolved involved the sale of both crude oil and refined petroleum products. The moneys remitted were divided into two pools—one for curde oil and one for refined products. Here we are proposing procedures to distribute only the crude oil pools established in those cases. The procedures previously developd to distribute the refined product pools are unaffected by this Decision.

[2] Eight firms, noted in the Appendix, have an outstanding liability of $1.1 million. These funds, when remitted to the DOE, will also be disbursed pursuant to the procedures established in this Decision. The DOE will give notice when such additional funds are received.

[3] Some cases that were initially in *Alkek*, *Adams* and *A. Johnson* are not included in the present PDO because all of the funds remitted in those matters were disbursed prior to the announcement of the MSRP. In February 1983, the DOE disbursed $100 million in crude oil overcharge funds to the states and territories pursuant to section 155 of the Further Continuing Appropriations Act of 1982, Pub. L. 99–377 (the Warner Amendment). A list of the cases that were the source for that disbursement was published at 51 FR 26745 (July 25, 1986). Since the MSRP by its terms applies only prospectively, this Proposed Decision does not apply to those cases and payments. However, in two cases that are included in this Proposed Decision, the relevant firms made additional payments to the DOE subsequent to the Warner Amendment disbursement. This Decision does apply to those payments. *See* Appendix notes 1 and 8.

based on their proportionate consumption of refined petroleum products. We recognized in those decisions that the effects of crude oil pricing violations were generally spread by the Entitlements Program among all domestic refiners. *See, e.g., Alkek,* 9 DOE at 85,133. A major question remained, however, concerning the extent to which refiners absorbed or passed through to their customers the increased costs associated with these violations. As a result of this uncertainty, claims from end-users were never considered in those proceedings, and the more than 60 claims that were filed, mostly by refiners, were held in abeyance. Due to the Final Settlement Agreement in *The Department of Energy Stripper Well Exemption Litigation,* M.D.L. No. 378, which led to the MSRP, we are now in a position to consider crude oil refund claims on their merits.[4]

The OHA has been applying the MSRP in all Subpart V proceedings involving alleged crude oil violations. *See* Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). The Appendix to that Order listed the refund proceedings then pending before the OHA to which the MSRP applies. The Order also provided a period of 30 days for the filing of any objections to the application of the MSRP, and solicited comments concerning the appropriate procedures to follow in processing refund applications in crude oil refund proceedings.

On April 10, 1987, the OHA issued a Notice analyzing the numerous comments which it received in response to the August 1986 Order. 52 FR 11737. The Notice set forth generalized procedures and provided guidance to assist claimants that wish to file refund applications for crude oil moneys under the Subpart V regulations. All applicants for refund would be required to document their purchase volumes of petroleum products during the period of price controls and to prove that they were injured by the alleged overcharges. The Notice indicated that end-users of petroleum products whose businesses are unrelated to the petroleum industry will be presumed to have absorbed the crude oil overcharges, and need not submit any further proof of injury to receive a refund. Finally, we stated that refunds would be calculated on the basis of a per gallon refund amount derived by dividing crude oil violation amounts by the total consumption of petroleum products in the United States during the period of price controls. The numerator would include the crude oil overcharge moneys that were in the DOE's escrow account at the time of the settlement and a portion of the funds in the MDL 378 escrow at the time of the settlement.[5]

These crude oil refund procedures have been approved by the United States District Court for the District of Kansas. Various States filed a Motion with that Court, claiming that the OHA violated the Settlement Agreement by employing presumptions of injury for end-users and by improperly calculating the refund amount to be used in those proceedings. On August 17, 1987, Judge Theis issued an Opinion and Order denying the States' Motion in its entirety. The court concluded that the Settlement Agreement "does not bar OHA from permitting claimants to employ reasonable presumptions in affirmatively demonstrating injury entitling them to a refund." *In Re: The Department of Energy Stripper Well Exemption Litigation,* M.D.L. No. 378, slip op. at 10, 3 Fed. Energy Guidelines ¶26,587 at 26,826 (D. Kan. 1987). The court also ruled that, as specified in the April 1987 Notice, the OHA could calculate refunds based on a portion of the MDL 378 overcharges. *Id.* at 26,827.

II. The Proposed Refund Procedures

A. Refund Claims

We now propose to apply the procedures discussed in the April 1987 Notice to the crude oil Subpart V proceedings that are the subject of the present determination. As noted above, $119 million in alleged crude oil violation amounts is covered by this Proposed Decision. We have decided to reserve initially the full 20 percent of the alleged crude oil violation amounts, or $23.8 million (plus interest) for direct refunds to claimants, in order to ensure that sufficient funds will be available for refunds to injured persons.[6] The amount of the reserve may be adjusted downward later if circumstances warrant such action.

The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used to evaluate claims based on alleged refined product overcharges pursuant to 10 CFR Part 205, Subpart V. *MAPCO Inc.,* 15 DOE ¶85,097 (1986); *Mountain Fuel Supply Co.,* 14 DOE ¶85,475 (1986). As in non-crude oil cases, applicants will be required to document their purchase volumes and demonstrate that they were injured. *See id.* Following Subpart V precedent, reasonable estimates of purchase volumes may be submitted. *Greater Richmond Transit Co.,* 15 DOE ¶85,028 (1985). Applicants who were end-users (ultimate consumers) of petroleum products whose businesses are unrelated to the petroleum industry and who were not subject to the DOE price regulations are presumed to have absorbed rather than passed on alleged crude oil overcharges. In order to receive a refund, end-users need not submit any further evidence of injury beyond volumes of product purchased in the distribution scheme in which the overcharges occurred. *Id.* It is not necessary for applicants to identify their suppliers of petroleum products in order to receive a refund. Resellers and retailers of petroleum products must submit detailed evidence of injury, and may not use presumptions of injury established by the OHA in refund cases involving refined petroleum products. They can, however, use econometric evidence of the type employed in the OHA Report to the District Court in the Stripper Well Litigation, Fed. Energy Guidelines ¶90,507 (June 19, 1985), and the OHA intends to utilize the final and April 1, 1985 draft Reports in evaluating refund applications submitted under Subpart V. *See* Petroleum Overcharge Distribution and Restitution Act of 1986, Pub. L. 99-509, 3003(b)(2). Applicants who executed and submitted a valid waiver pursuant to one of the escrows established in the Settlement Agreement have waived their rights to apply for crude oil refunds under Subpart V. *Boise Cascade Corp.,* 16 DOE ¶85,214 at 88,411 (1987); *Sea-Land Service, Inc.,* 16 DOE ¶_____ No. RF270-1563, slip op. at 5-6 n. 1 (October 9, 1987).

Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the crude oil violation amounts ("The numerator") by the total consumption of petroleum products in the United States during the period of price controls ("the denominator").[7] As

[4] For a discussion of the developments that culminated in the Settlement Agreement, *see* Order Implementing the MSRP, 51 FR 29689 (August 20, 1986); *see also* Notice Discussing Comments, 52 FR 11737 (April 10, 1987).

[5] On April 15, 1987, we issued a Decision establishing refund procedures for 42 cases involving $373 million in crude oil violation amounts. *A. Tarricone, Inc.,* 15 DOE ¶85,495 (1987). Those procedures conformed to the generalized procedures discussed in the April 10, 1987 Notice.

[6] As explained below, in certain cases we have previously distributed 80 percent of the alleged violation amounts to the States and Federal government. The remaining 20 percent in those cases has already been reserved for direct refunds to claimants.

[7] We will use the estimate that 2,020,997,335,000 gallons of petroleum products were consumed in the United States during the period August 1973 through January 1981. *Mountain Fuel,* 14 DOE at 88,868 n. 4 (1986).

indicated in the April 1987 Notice, we will add $985 million to the numerator in the volumetric calculation, in addition to the $119 million in principal from the cases included in this Decision. This yields a volumetric refund amount of $0.000546 per gallon. We also propose in paying claims to combine all of the volumetric refund amounts obtained in each crude oil refund proceeding implemented to date under the MSRP, to yield a total per gallon refund amount of $0.0007467.[8]

A crude oil refund applicant will be required to submit only one application for all crude oil overcharge amounts that were included in those proceedings. Any party that has previously submitted a refund application in crude oil refund proceedings need not file another application; that application will be deemed to be filed in all crude oil proceedings finalized to date. The volumetric refund amount will be increased as additional crude oil violation amounts are received in the future. Applicants may be required to submit additional information to document their refund claims for these future amounts. Notice of additional amounts available in the future will be published in the **Federal Register.**

B. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the $119 million in alleged crude oil violation amounts subject to this PDO, or $95.2 million, should be disbursed equally to the States and Federal government for indirect restitution. As explained below, a portion of this amount has already been disbursed to those entities. In August 1986, 80 percent of the funds in 59 of the subaccounts consolidated in this PDO was disbursed to the States and Federal government pursuant to paragraph IV.B.7 of the Settlement Agreement. *See Stripper Well Exemption Litigation,* 14 DOE ¶ 85,382 (1986). The total amount of principal disbursed at that time was $59.2 million. For each subaccount from which an August 1986 payment was made, no further refund to the States and Federal government will be made at this time.[9] In the remaining 50 subaccounts, there has been no advance disbursement, and the total in principal (i.e. excluding interest) equals $45 million. This figure is obtained by adding all of the crude oil principal remitted by those firms listed in the Appendix for which no August 1986 payment is indicated. Eighty percent of this $45 million, or $36 million, plus interest, is therefore available for disbursement to the States and Federal government. In addition, as explained in note 12 to the Appendix, an additional $536,000 plus interest is available for disbursement to the States and Federal government from the *Standard Oil (Indiana)* escrow account. Thus, a total of $36.5 million in principal, plus $14.64 million in interest, is available for disbursement to the States and Federal government in these proceedings.

We propose to direct the DOE's Office of the Controller to segregate the $36.5 million in principal available for disbursement to the States and Federal government and distribute one-half of that amount, or $18.25 million, plus appropriate interest, to both the States and to the Federal government. With interest, the State and Federal government should each receive approximately $25.57 million. Each individual State's percentage share of the funds is set forth in Exhibit H to the Settlement Agreement and is based on each State's consumption of petroleum products during the period of price controls. These funds will be subject to the same use limitations and reporting requirements as all other crude oil moneys received by the States under the Settlement Agreement.

Before taking the actions we have proposed in this Decision, we intend to publicize our proposal and solicit comments on it. Comments regarding the tentative distribution process set forth in this Proposed Decision and Order should be filed with the OHA within 30 days of its publication in the **Federal Register.**

It is Therefore Ordered That: The refund amounts remitted to the Department of Energy by the firms identified in the Appendix to this Proposed Decision and Order shall be distributed in accordance with the foregoing Decision.

[8] The following per gallon volumetric refund amounts were obtained in prior crude oil refund proceedings:

Mountain Fuel Supply Co., 14 DOE ¶85,475 (1986)	$0.0000004536
MAPCO, Inc., 15 DOE ¶85,097 (1986)	0.000000089
Kent Oil & Trading Co., 15 DOE ¶85,100 (1986)	0.0000000069
A. Tarricone, Inc., 15 DOE ¶85,495 (1987)	0.000185
O.B. Mobley, Jr., 16, DOE ¶85,006 (1987)	0.0000054
Berry Holding Co., 16 DOE ¶85,405 (1987)	0.0000098
Total for prior cases	0.0002007495
Proposed volumetric for the present proceedings	0.000546
Current Total	0.0007467495

[9] There is one exception. An additional $536,000 plus interest is available for disbursment to the States and Federal government from the *Standard Oil* crude oil escrow account. *See* Appendix note 12.

APPENDIX

OHA case name	OHA case No.	Consent order No.	Status	Crude principal received	Aug. 1986 payment (Principal)
Allerkamp, Ernest E	HEF-0489	610C00201Z	A. Johnson	$444,080.44	$355,264.35
Amax Petroleum Corp	HEF-0315	422C00064Z	A. Johnson	182,450.00	145,960.00
*American Pacific International	HEF-0316	940C00112Z	14 Doe ¶ 85,158	171,861.37	0.00
Aminoil USA, Inc	HEF-0317	610C00458Z	A. Johnson	2,600,000.00	2,080,000.00
Aminoil USA, Inc	HEF-0229	740V01315Z	12 Doe ¶ 85,188	1,600,000.00	1,280,000.00
Armour Oil Co	HEF-0278	940X00179Z	A. Johnson	225,000.00	0.00
Barton, A.L	HEF-0279	6A0X00299Z	A. Johnson	100,000.00	80,000.00
Bass Enterprises Production Co	HEF-0323	6D0C00090Z	A. Johnson	497,500.00	398,000.00
*Bayou State Oil/IDA Gasoline	HEF-0202	641S00396Z	12 Doe¶ 85,197	347,975.00	0.00
Beebe, J.S. and J.S., Jr.	HEF-0505	6C1C00206Z	12 Doe ¶ 85,170	39,901.19	31,920.95
Belco Petroleum Corp	HEF-0325	240C00002Z	A. Johnson	137,940.00	110,352.00
Benson-Montin-Greer Drilling Co	BEF-0087	740C01253Y	Adams	68,369.13	54,695.30
Beta Development Co	BEF-0009	673C00290Y	Alkek	134,367.92	0.00
Beverly Hills Oil Co	HEF-0328	940C00142Z	13 Doe ¶ 85,003	25,000.00	[1] 0.00
BHP Petroleum Co., Inc	KEF-0086	650C00369Z	No Action	375,000.00	0.00

APPENDIX—Continued

OHA case name	OHA case No.	Consent order No.	Status	Crude principal received	Aug. 1986 payment (Principal)
Bigheart Pipeline Corp	KEF-0092	6C0X00235Z	No Action	6,937,011.74	0.00
Bill Forney, Inc	HEF-0362	610C00473Z	A. Johnson	480,000.00	384,000.00
BTA Oil Producers	BEF-0083	672C00182Y	Adams	415,816.87	332,653.50
Buxton, F.M.	HEF-0335	660C00508Z	A. Johnson	0.00	[2] 0.00
Century Refining Co	BEF-0077	710V02005Y	Adams	2,700,000.00	[3] 2,159,367.20
Coastal Corp	BFF-0005	RCLE00501Y	Adams	9,000,000.00	7,200,000.00
Coffield Pipeline Co.	HEF-0282	650X00295Z	A. Johnson	86,378.05	69,102.44
Cooper & Brain, Inc	HEF-0344	960C00029Z	A. Johnson	465,211.57	372,169.26
Cotton Petroleum Corp	HEF-0486	6C0C00213Z	A. Johnson	1,156,493.14	0.00
*Crown Central Petroleum Corp	KEF-0044	RCWA00000Z	PDO 8/15/86	647,400.00	0.00
Crystal Oil Co	BEF-0019	641C00380Y	Alkek	203,596.20	0.00
Diamond Shamrock Corp	BEF-0076	675S00011Y	Adams	55,056.78	0.00
Diamond Shamrock Corp	HEF-0465	N00S90124Z	A. Johnson	10,301.00	0.00
Elm City Filing Stations	HEF-0468	N00M90030Z	A. Johnson	106,770.02	0.00
Engle Enterprise, Inc	HEF-0286	6CX00300Z	A. Johnson	20,000.00	16,000.00
Enserch Exploration, Inc	BEF-0045	6A0C00160Y	Alkek	495,000.00	396,000.00
Farmers Union Central Exchange	HEF-0359	740C01249Z	A. Johnson	150,000.00	0.00
Flying Diamond Oil Co	HEF-0490	840C00127Z	A. Johnson	155,537.98	124,430.38
Forgotson, James M	BEF-0043	640C00312Y	Alekek	76,201.21	60,960.97
*Franks Petroleum, Inc	HEF-0208	641S00421Z	12 Doe ¶ 85,188	999.00	0.00
*GCO Minerals Co	HEF-0570	NGCP00001Z	14 Doe ¶ 85,142	936,000.00	0.00
Gonsoulin Energy Corp	HEF-0288	640X00434Z	A. Johnson	19,000.00	[4] 12,800.00
Grace Petroleum Corp	HEF-0366	660C00633Z	A. Johnson	1,450,000.00	160,000.00
Harris, James W.	HEF-0369	422C00201Z	13 Doe ¶ 85,003	0.00	[5] 0.00
Hassie Hunt Exploration Co	HEF-0370	6A0C00256Z	A. Johnson	158,608.39	0.00
Hawthorne Oil & Gas Corp	HEF-0372	640C00314Z	A. Johnson	543,912.56	435,130.05
Henry Petroleum Corp	KEF-0098	670C00215W	No Action	322,587.15	0.00
Hewitt & Dougherty	HEF-0373	610C00117Z	A. Johnson	180,000.00	144,000.00
Hollingsworth, C.D. & Assoc	HEF-0375	422C00196Z	A. Johnson	0.00	[6] 0.00
Horizon Petroleum Co	KEF-0084	650X00289Z	No Action	1,932,917.00	0.00
Houston Oil & Minerals Corp	HEF-0376	640C00400Z	A. Johnson	3,985,000.00	3,188,000.00
Hudson & Hudson	HEF-0378	720C00597Z	A. Johnson	750,000.00	600,000.00
Hunt Oil Co	HEF-0380	6A0C00008Z	A. Johnson	29,151.38	23,321.10
Inexco Oil Co	KEF-0089	650C00007Z	No Action	299,088.00	0.00
Inexco Oil Co	KEF-0091	6E0C00027Z	No Action	242,958.81	0.00
Inland Crude Purchasing Corp	HEF-0291	6C0X00256Z	A. Johnson	21,000.00	16,800.00
International Petroleum Refining	KEF-0010	6C0X00242Z	No Action	85,000.00	0.00
Kastman Oil Co	HEF-0492	6C0C00256Z	A. Johnson	50,000.00	40,000.00
Kirkpatrick Oil & Gas Co	HEF-0388	660C00437Z	A. Johnson	260,000.00	0.00
Lakeside Refining Co./Crystal	HEF-0214	540S00276Z	12 Doe ¶ 85,188	200,000.00	160,000.00
Lobo Oil Corp	HEF-0392	670C00271Z	A. Johnson	0.00	[7] 0.00
Mabee Petroleum Corp	BEF-0068	670C00295Y	Adams	435,308.00	348,246.40
*MacMillan Ring-Free Oil Co	HEF-0506	960S00053Z	13 Doe ¶ 85,165	449,500.00	0.00
Mallard Resources, Inc	HEF-0474	N00S90125Z	13 Doe ¶ 85,074	60,136.73	[8] 0.00
McFarland Energy, Inc	BEF-0023	960C00022Y	Alkek	353,131.99	0.00
Mid-Plains Petroleum Co	HEF-0297	6C0X00311Z	A. Johnson	120,000.00	96,000.00
Milam, M.C., Inc	BEF-0090	572C00221Y	Adams	52,440.69	0.00
Moncrief, W.A. Jr	HEF-0404	6A0C00134Z	A. Johnson	1,100,000.00	880,000.00
Mountain Fuel Supply Co	HEF-0408	820C00185Z	A. Johnson	275,000.00	[9] 220,000.00
Mountain Fuel/Wexpco Co	KEF-0080	820V00209Z	No Action	1,024,040.23	[10] 0.00
Mustang Fuel Corp	HEF-0298	6C0X00238Z	A. Johnson	800,00.00	640,000.00
National Coop Refinery Assoc	HEF-0409	740C01299Z	A. Johnson	95,000.00	0.00
NFC Petroleum Corp	HEF-0410	660C00609Z	A. Johnson	257,820.55	206,256.44
*Northwest Pipeline Corp	HEF-0264	710V03015Z	12 Doe ¶ 85,188	756,865.35	0.00
NRG Oil Co	HEF-0300	650X00332Z	A. Johnson	130,147.42	104,117.94
*OKC Corp	KFX-0029	6D0S00003Y	No Action	750.500.00	[11] 0.00
OKC Corp	HEF-0477	N00S98080Z	A. Johnson	600,000.00	480,000.00
Oxnard Refining Co	HEF-0478	N00S90075Z	A. Johnson	789,108.00	631,286.40
Panhandle Eastern Pipeline Co	HEF-0265	710V02003Z	A. Johnson	683,990.28	547,192.22
Pauley Petroleum, Inc	HEF-0416	910C00127Z	A. Johnson	30,655.04	24,524.03
*Perry Gas Processors, Inc	BEF-0048	670V00087Y	9 Doe ¶ 82,566	5,007.00	0.00
*Perta Oil Marketing Corp	HEF-0148	930H00088Z	15 Doe ¶ 85,106	69,802.04	0.00
Quintana Petroleum	BEF-0060	610C00122Y	Adams	3,750,000.00	0.00
Ray M. Huffington, Inc	HEF-0379	6E0C00038Z	A. Johnson	180,000.00	144,000.00
Ryder Truck Rental, Inc	HEF-0305	6A0X00276Z	A. Johnson	130,000.00	0.00
R. W. Tyson Producing Co	KEF-0090	600C00108Z	No Action	130,000.00	0.00
Santa Fe Energy Products Co	HEF-0306	640X00448Z	A. Johnson	48,462.00	38,769.60
Sauder, Earl W	HEF-0432	710C01109Z	A. Johnson	296,622.32	237,297.86
Signal Petroleum	HEF-0437	640C00390Z	A. Johnson	1,500,000.00	0.00

APPENDIX—Continued

OHA case name	OHA case No.	Consent order No.	Status	Crude principal received	Aug. 1986 payment (Principal)
Southern Crude Oil Resources	HEF-0495	6A0X00314Z	A. Johnson	135,000.00	108,000.00
*Southern Union Co	HEF-0223	673S00336Z	13 Doe ¶ 85,029	20,000.00	0.00
Southern Union/Midland-Lea	HEF-0308	6A0X00325A	A. Johnson	320,124.84	256,099.87
Southland Royalty Co	HEF-0582	600C00034Z	PDO 4/22/86	748,515.01	0.00
*Standard Oil Co. (Indiana)	BFF-0007	RAMA00010Y	10 Doe ¶ 85,048	12,986,078.19	[12] 10,388,862.55
Summit Transportation Co	BEF-0053	602X00002Y	Adams	17,000,000.00	13,600,000.00
Superior Oil Co	HEF-0441	610C00442Z	A. Johnson	9,800,000.00	0.00
Tauber Oil Co	HEF-0309	650X00304Z	A. Johnson	575,000.00	460,000.00
T-C Oil Co	BEF-0047	610C00118Y	Adams	395,000.00	316,000.00
Texco Inc. & Stanford Harrell	KEF-0088	RTXZ000A1Z	No Action	7,476,088.01	0.00
Texas American Petrochemicals	HEF-0310	6C0X00267Z	A. Johnson	10,000.00	8,000.00
Texas Pacific Oil Co, Inc	HEF-0496	600C00104Z	A. Johnson	500,000.00	400,000.00
Timco Oil Co	KEF-0006	940C00147Z	14 Doe ¶ 85,220	75,000.00	60,000.00
*True Companies	HEF-0557	733V02019Z	13 Doe ¶ 85,178	1,166,666.70	0.00
Twin Montana, Inc	HEF-0450	6A0C00242A	A. Johnson	1,545,676.28	1,236,541.02
TXO Oil Com	HEF-0311	6A9X00297Z	A. Johnson	150,000.00	0.00
Union Oil Co. of California	KEF-0004	RUNA00002Z	14 Doe ¶ 85,220	4,500,000.00	3,600,000.00
Union Texas Petroleum Corp	BEF-0025	610C00435Y	Alkek	2,100,000.00	1,680,000.00
*Union Texas Petroleum Corp	KFX-0031	6E0S00075Y	No Action	396,700.00	[13] 0.00
*U.S.A. Petroleum, Inc	HEF-0500	960S00093Z	14 Doe ¶ 85,122	787,500.00	0.00
Vanderbilt Energy Corp	KEF-0097	810C00352W	No Action	500,000.00	0.00
Wall, Earl E	HEF-0456	640C00295Z	A. Johnson	303,833.60	[14] 243,066.88
Westates Petroleum Co	HEF-0457	940C00096Z	12 Doe ¶ 85,179	825,000.00	660,000.00
Windsor Gas Corp	KEF-0002	6E0C00034Z	14 Doe ¶ 85,220	176,956.78	141,565.42
Woods, Dalton J.	HEF-0462	640C00285Z	A. Johnson	93,545.72	74,836.58
Totals				$119,045,684.67	$59,261,590.71

*Denotes cases in which firms remitted funds to the DOE to resolve alleged regulatory violations involving the sale of both crude oil and refined petroleum products. Only the crude oil funds from these cases are subject to this Decision. *See* Proposed Decision and Order at footnote 1.

[1] Pursuant to the Warner Amendment, the DOE distributed $41,951.00 previously remitted by Beverly Hills Oil Company. Sugsequent to this disbursement, the firm remitted an additional $25,000.00 which is still in escrow. The firm's total liability is $161,951.00. Amount still owed is $95,000.00.

[2] To date, F. M. Buxton has not paid any portion of its total liability of $50,285.18.

[3] Century Refining Company was a subsidiary of Panhandle Eastern Pipeline Company. The name on Consent Order Number 710V02005Y is Panhandle Eastern, while the Case Name of OHA Case Number BEF-0077 is Century Refining.

[4] Total liability for Gonsoulin Energy Corporation is $96,000.00. Amount still owed is $77,000.00.

[5] Pursuant to the Warner Amendment, the DOE distributed $103,519.74 previously remitted by James W. Harris. The firm's total liability is $150,000.00. Amount still owed is $46,480.26.

[6] Pursuant to the Warner Amendment, the DOE distributed $119,217.52 previously remitted by C. D. Hollingsworth & Associates. The firm's total liability is $147,111.00. Amount still owed is $27,893.48.

[7] Lobo Oil Corporation has not paid any portion of its total liability of $205,071.79.

[8] Pursuant to the Warner Amendment, the DOE distributed $188,499.29 previously remitted by Mallard Resources, Inc. Subsequent to this disbursement, the firm remitted an additional $60,136.73, which remains in escrow. The firm's total liability is $800,000.00. Amount still owed is $551,363.98.

[9] This Mountain Fuel Supply Company case involves a different DOE consent order from the one that was the subject of the Final Decision and Order published at 14 DOE ¶ 85,475 (1986).

[10] *See* note 9.

[11] This case involves the crude oil pool established in case number BEF-0032 *See* 9 DOE ¶ 82,551 (1982) and 13 DOE ¶ 85,323 (1985).

[12] The principal amount of the crude oil pool established in *Standard Oil Co. (Indiana)*, 10 DOE ¶ 85,048 (1982), was $22,104,125.26. Pursuant to the Warner Amendment, the DOE distributed $9,118,047.07 in principal from the crude oil pool to the States. Accordingly, there remained $12,986,078.19 in principal at the time of the Stripper Well Settlement Agreement. As of July 31, 1986, the total amount of principal plus interest in the account was $25,669,450.87. Eighty percent of that amount equals $20,535,560.70. On August 4, 1986, $20 million from this account was distributed to the States and Federal government pursuant to the settlement agreement. *See*, 14 DOE ¶ 85,382 (1986). Therefore, an additional $535,560.70, plus interest on that amount from July 31, 1986, is available for immediate disbursement to the States and Federal government.

[13] This case involves the crude oil pool established in case number HEF-0224. *See* 12 DOE ¶ 85,166 (1985).

[14] Total liability for Earl E. Wall is $335,000.00. Amount still owed is $31,166.40

[FR Doc. 87-14751 filed 10-23-87; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3282-6]

Science Advisory Board, Research Strategies Committee-Ecological Effects Subgroup; Open Meeting

Under the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that a two day meeting of the Research Strategies Committee, Ecological Effects Subgroup of the Science Advisory Board will be held on November 5 and 6, 1987. The meeting will begin at 9:00 a.m. on November 5, and will be held in Class Room #2 at the U.S. EPA Environmental Research Center, Route 54 and Alexander Drive, Research Triangle Park, NC. Adjournment on November 6 will take place no later than 3:00 p.m.

The main purpose of the meeting is to continue developing a research strategy to meet EPA's ecological research needs. The key strategy elements of (1) measuring ecosystem status, (2) determining ecosystem trends and changes, (3) predicting changes to ecological systems, and (4) assessing risk to those systems will provide a framework for Subcommittee recommendations. The Subcommittee will proceed with developing these recommendations in writing sessions. In addition, a briefing on a global inventory project being conducted by EPA's Environmental Research Laboratory in Corvallis, OR, will be given.

The meeting will be open to the public. Anyone who wishes to attend, present information to the Subcommittee, or obtain information concerning the meeting, should contact Ms. Janis Kurtz, Executive Secretary, or Mrs. Lutithia Barbee, Staff Secretary, (A101–F) Environmental Effects, Transport and Fate Committee, Science Advisory Board, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Telephone (202) 382–2552 or FTS 8–382–2552. Written comments will be accepted, and can be sent to Ms. Kurtz at the address above. Persons interested in making statements before the Subcommittee must contact Ms. Kurtz no later than November 1, 1987 in order to be assured of space on the agenda.

Date: October 20, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87–24792 Filed 10–23–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; SEB Broadcasting, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM docket No.
A. SEB Broadcasting, Inc.; Woodlake, CA.	BPH–850313MB	87–430
B. New Life Enterprises, Inc.; Woodlake, CA.	BPH–850503MA	
C. Skyride Unlimited, A California Limited Partnership; Woodlake, CA.	BPH–850711MV	
D. Vision Broadcasting; Woodlake, CA.	BPH–850711MZ	
E. Amigo Broadcasting Corporation; Woodlake, CA.	BPH–850711QO	
F. George A. Aguilar Baron, d/b/a Baron Broadcasting; Woodlake, CA.	BPH–850712NW	
G. KIKJ Company; Woodlake, CA.	BPH–850712NX	
H. Andrea Lendaris Vourakis; Woodlake, CA.	BPH–850712OH	
I. Connecticut Corridor Cellular Communications Company; Woodlake, CA.	BPH–850712OI	
J. FM Woodlake Limited Partnership; Woodlake, CA.	BPH–850712OJ	
K. Sequoia Broadcasting, Inc.; Woodlake, CA.	BPH–850712OK	
L. Torres Broadcasting, A Limited Partnership; Woodlake, CA.	BPH–850712OL	
M. Trans-California Broadcasting Co.; Woodlake, CA.	BPH–850712PC	
N. Q Prime Inc.; Woodlake, CA.	BPH–850712PK	
O. Rosario Carter et al., d/b/a Woodlake Limited Partnership; Woodlake, CA.	BPH–850712PL	
P. Robert A. Benns; Woodlake, CA.	BPH–850711NB (dismissed)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR. 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Environmental, A,B,D,F,G,J,K,M,N
2. Comparative, A–O
3. Ultimate, A–O

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased form the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–24699 Filed 10–23–87; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–668; FHLBB No. 1299]

Home Federal Savings Bank, Seymour, IN; Final Action; Approval of Conversion Application

Date: October 20, 1987.

Notice is hereby given that on October 13, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee approved the application of Home Federal Savings Bank, Seymour, Indiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC. 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Indianapolis, 1350 Merchants Plaza, South Tower, 15 West Washington Street, Indianapolis, Indiana 45204.

By the Federal Home Loan Bank Board.

John R. Gizzoni,

Assistant Secretary.

[FR Doc. 87–24696 Filed 10–23–87; 8:45 am]

BILLING CODE 6720–01–N

The Topeka Savings Association, Topeka, KS; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(1982), the Federal Savings and Loan Insurance Corporation as sole receiver for the Topeka Savings Association, Topeka, Kansas, on October 20, 1987.

Dated: October 20, 1987.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.

Secretary.

[FR Doc. 87–24695 Filed 10–23–87; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Agreement Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties

may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200047.

Title: Georgia Ports Authority Terminal Lease Agreement.

Parties:

Georgia Ports Authority
Hapag-Lloyd A.G.
Gulf Container Line B.V.
Compagnie Generale Maritime

Synopsis: The proposed agreement covers the assignment of parking slots for operating a container yard within the confines of Georgia Ports Authority's Garden City Terminal.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: October 21, 1987.

[FR Doc. 87–24714 Filed 10–23–87; 8:45 am]

BILLING CODE 6730–01–M

American President Lines, Ltd et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010689–028.

Title: Transpacific Westbound Rate Agreement.

Parties:

American President Lines, Ltd.
Hanjin Container Lines, Ltd.
Hyundai Merchant Marine Co., Ltd.
Japan Lines, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
A.P. Moller-Maersk Line
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
Showa Line, Ltd.
Yamashita-Shinnihon Steamship Co., Ltd.
Orient Overseas Container Line, Ltd.

Synopsis: The proposed amendment would: (1) Require that all rates and any independent action applicable to exempt commodities be stated, by January 1, 1988, in the agreement tariffs and be assessed by the parties in the form of "any quantity" rates, rather than "per container" rates; (2) reduce from three to two the number of objecting parties required to prevent a rate from becoming an agreement rate through the rate initiative process provided, however, that if one of the objecting parties is a "Controlled Carrier," then the present requirement of three objections would be maintained; and (3) amend the independent action on time/volume rates for exempt commodities insofar as it applies to Canadian cargo.

By Order of the Federal Maritime Commission.

Joseph C. P Polking,

Secretary.

Dated: October 21, 1987.

[FR Doc. 87–24754 Filed 10–23–87; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants; Multi-Modal International, Inc. et al.

Notice is given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

Multi-Modal International, Inc., 148–36 Guy R. Brewer Blvd., Jamaica, NY 11434, Officers: Ernest G. Wohlwill, President, Karl H. Roessner, Vice President, Hiliary Gibson, Secretary

Steevens-Diz International, Inc., 6000 N.W. 84th Avenue, Miami, FL 33166, Officers: Ralf Steevens, President, Richard Cazan, Vice President, Henry Dix, Secretary/Treasurer

Sea Freight Services, Inc. 3034 McKaughan, Houston, TX 77032, Officers; Peter M. Crescitelei, President/Director, Debra A. Capko, Vice President

Gap Forwarding, Inc., 7200 N.W. 19th Street, Suite 308, Miami, Florida 33126, Officers: Arthur L. Bell, President, Evonne Pamelia Bravo, Corporate Secretary

Artpack Transport Ltd, 708 Broadway, 9th Floor, New York, NY 10003, Officer: Vincent Baldassano, President, Frederic Mosher, Vice President

Cargo Crating Co., dba Cargo Forwarding, International, 108–112 Standifer Drive, Humble, TX 77338, Officers: Robert E. McCluskey, Jr., President, Sandra Kay Lewis, Vice President

By the Federal Maritime Commission.

Joseph C. Polking

Secretary.

Dated: October 21, 1987

[FR Doc. 87–24753 Filed 10–23–87; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Abington Bancorp, Inc., et al.; Formations of, Acquisition by, and Mergers of Bank Holding Companies; Correction.

This notice corrects a previous **Federal Register** notice (FR Doc. 87–24063) published at page 38814 of the issue for Monday, October 19, 1987.

Under the Federal Reserve Bank of Boston, the entry for Abington Bancorp, Inc. is revised to read as follows:

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Abington Bancorp, Inc.*, Abington, Massachusetts; to become a bank holding company by acquiring through its subsidiary, Abington Savings Bank, Abington, Massachusetts, which engages in Massachusetts Savings Bank Life Insurance Activities, 100 percent of the voting shares of Landmark Bank for Savings, Whitman, Massachusetts. Comments on this application must be received by November 3, 1987.

Board of Governors of the Federal Reserve System, October 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–24653 Filed 10–23–87; 8:45 am]

BILLING CODE 6210–01–M

Ameritrust Corp.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation

Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 13, 1987.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *AmeriTrust Corporation*, Cleveland, Ohio; to engage *de novo* directly or through its subsidiary, At Investment Services Corp., Cleveland, Ohio, in underwriting and dealing in, and purchasing, selling and brokering the purchase and sale of obligations of the United States pursuant to § 225.25(b)(16); and providing investment or financial advice pursuant to § 225.25(b)(4) of the Board's Regulation Y.

2. *Huntington Bancshares Incorporated*, Columbus Ohio; to engage *de novo* through its indirect subsidiary, The Huntington Trust Company, N.A., Columbus, Ohio, in trust services pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-24654 Filed 10-23-87; 8:45 am]

BILLING CODE 6210-01-M

First Union Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 10, 1987.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Union Corporation*, Charlotte, North Carolina; to acquire Ashley Securities Corporation, Naples, Florida, and thereby engage in securities brokerage activities pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-24655 Filed 10-23-87; 8:45 am]

BILLING CODE 6210-01-M

Litchfield Bancshares Co.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than November 13, 1987.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Litchfield Bancshares Company*, Litchfield, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Litchfield National Bank, Litchfield, Illinois.

Board of Governors of the Federal Reserve Systems, October 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-24656 Filed 10-23-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Allied-Signal, Inc.; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by Allied-Signal, Inc. The NADA provides for the use of Cal-Bar (ammonium chloride) Type A article for making Type C cattle and sheep feeds. The firm requested the withdrawal of approval.

EFFECTIVE DATE: November 5, 1987.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: Allied-Signal, Inc. (formerly Allied Chemical Corp.), P.O. Box 2245R, Morristown, NJ 07960–2245, is sponsor of NADA 34–253, which provides for the use of Cal-Bar Type A article (99 percent ammonium chloride) to make Type C cattle and sheep feeds. The feeds are used to reduce the incidence of urinary calculi. Use of the Type A article was originally approved under a food additive petition (FAP 6D1947) on February 9, 1968 (33 FR 2774). As a result of the Animal Drug Amendments of 1968, however, the FAP was converted to a NADA. By letter of April 1, 1987, the sponsor requested withdrawal of approval because the product is no longer being manufactured or marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is hereby given that approval of NADA 34–253 and all supplements thereto are hereby withdrawn, effective November 5, 1987.

In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending 21 CFR 510.600 and 558.4 to remove the firm from the list of sponsors of approved NADA's and to remove the entry for the product covered by the approved NADA, and is removing 21 CFR 558.45, which reflects the approval, in its entirety.

Dated: October 20, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87–24647 Filed 10–23–87; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 87N–0267]

Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the anticipated availability of funds for Fiscal Year 1988 for awarding grants to support clinical trials on safety and effectiveness of orphan products. Funds are not currently available for these studies. The government's obligation is contingent upon the availability of appropriated funds from which the grants will be funded. FDA expects to award approximately 15 grants ranging from $20,000 to $100,000 in direct costs per annum for up to 3 years. Applications exceeding these limits will be considered nonresponsive.

DATE: Applications must be received by January 25, 1988. The earliest beginning date for awards is July 1, 1988.

ADDRESS: Applications should be submitted to and applications are available from: Robert L. Robins, State Contracts and Assistance Agreements Branch (HFA–520), Food and Drug Administration, Park Bldg., Rm. 3–20, 5600 Fishers Lane, Rockville, MD 20857, 301–6170. NOTE: Applications hand carried or commercially delivered should be addressed to Park Bldg., Rm. 3–20, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: The Administrative and Financial Management Aspects of this Notice: Robert L. Robins, address above.

For The Programmatic Aspects of this Notice: Carol A. Wetmore, Office of Orphan Products Development (HF–35), Food and Drug Administration, 5600 Fishers Lane, Rm. 12A–40, Rockville, MD 20857, 301–443–4903.

SUPPLEMENTARY INFORMATION: FDA will support the clinical studies covered by this notice under section 301 of the Public Health Service Act (42 U.S.C. 241) and/or under section 5 of the Orphan Drug Act (21 U.S.C. 360ee). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 13.103.

I. Background

FDA has established the Office of Orphan Products Development to identify and facilitate the availability of orphan products. Orphan products are drugs, biologics, medical devices (including in vitro diagnostics), foods for medical purposes, and veterinary products that may be useful in an uncommon or common disease but lack committed commercial sponsorship because they are not considered commercially attractive for marketing. A subcategory of orphan products are those marketed products for which there is evidence suggesting usefulness in an uncommon, serious disease but which are not labeled for that disease because substantial evidence of safety and effectiveness for that use is lacking.

One way to make orphan products more easily available is to support research to determine whether the products are safe and effective. FDA has allocated funds to support such research since Fiscal Year 1983. All funded studies are subject to the requirements of the Federal Food, Drug and Cosmetic Act (the act) and regulations promulgated thereunder.

II. Research Goals and Objectives

A. Clinical Studies

In general, FDA will only consider awarding grants to support clinical studies for determining whether the products are safe and effective for premarket approval under the act (21 U.S.C. 301 et seq.) or under section 351 of the Public Health Service Act (42 U.S.C. 262). These clinical studies may be designed to assist in the approval of unapproved products or of unapproved new uses for already marketed products.

Ordinarily, at least some preliminary clinical research suggesting effectiveness and relative safety should already be available. However, FDA will also consider applications concerning products for which persuasive pharmacologic evidence is available that a product has a reasonable possibility of being effective even though no clinical trials have yet been performed.

Applications should be for one discrete clinical trial. The applicant must provide supporting evidence that the product to be investigated is available to the applicant in the form needed for the clinical trial.

Because funds are limited, FDA cannot consider large research projects involving many subjects (human, or animal in the case of a veterinary drug) and long-term followup. The typical study that FDA will consider for support

may involve up to several dozen subjects, will be well-controlled, and will be designed to provide substantial evidence of the product's safety and effectiveness.

The agency will also consider funding pharmacokinetic studies if such studies are necessary to determine safe and effective doses in subjects with serious organ disease that might affect drug disposition. However, FDA will only consider pharmacokinetic studies if they are part of studies for determining effectiveness of a product or are proposed to obtain information about products about which there is already a significant amount of evidence showing effectiveness. FDA's standards for adequate and well-controlled studies (21 CFR 314.126) should be followed. In designing a well-controlled study, the investigator should especially keep in mind that historical controls or use of the subject as his or her own control is generally less desirable and reliable than active control or, when ethical, placebo controls. The applicant's proposal should provide a rationale for use of the control method chosen to satisfy considerations of scientific quality and ethical realities.

In the case of veterinary products, research studies should be designed to show the safety and efficacy of a product for which there is some evidence that treatment of animals with it could lead to the prevention or mitigation of a serious zoonotic disease in humans.

In addition to FDA's general interest in clinical studies for the safety and effectiveness of orphans products, the agency has recognized the following areas of pediatric research for which applications are encouraged:

1. Studies on marketed drugs currently labeled only for adults uses which would provide data to support labeling these drugs for important uses in pediatric patients.

2. Research to develop nutritional products (medical foods) for management of inborn errors of metabolism for which adequate therapies are not currently available.

B. Significance

Each investigator submitting a grant application for a proposed human or veterinary orphan use in response to this request for applications should include a short statement explaining why preliminary evidence suggests that the product meets the objective of the orphan products development program and why the product to be studied is an orphan product as described in the "background" section of this notice. This statement should appear in the application under Section 2. B.—"Background and Significance."

C. Statistical Support

Statistical expertise is helpful in the planning, design execution, and analysis of clinical investigations and clinical pharmacology to ensure the validity of estimates of safety and efficacy obtained from human studies. Applicants are expected to provide a statistical justification for the number of patients chosen for the trial based on the proposed outcome measures. Applicants should also document the appropriateness of the statistical procedures to be used in analysis of the results.

D. Journal References

Published reports are necessary and often critical for the review process and can help to support the investigator's research intent. Applicants should include copies of reprints of all relevant references for FDA review. This includes favorable and unfavorable reports.

III. Human Subject Protection and Informed Consent

A. Research Involving Human Subjects

Applicants should carefully review the section on human subjects on pages 4 and 5 of the instructions in the application kit. The Specific Instructions-Section 1, Item 4, Human Subjects, on pages 12 and 13 of the application kit should also be carefully reviewed for the certification of Institutional Review Board (IRB) approval requirements. Applicants must provide information about six items described in Section 2–E of the instructions in the application kit. These six items include: The characteristics of the subjects, the sources of research materials, recruitment plans and consent procedures, any potential risks, procedures for protecting against or minimizing potential risks, and potential benefits to the subjects. Failure to include this information may result in deferral of the application. The goal should be to include enough information in a sufficiently clear fashion so that reviewers will not have to delay action on the application.

B. Informed Consent

Consent and/or assent forms and any additional information to be given to a subject must accompany the Grant Application Form PHS 398 (Rev. 9/86). Failure to include this information may result in deferral of the application. Information that is given to the subject or the subject's representative shall be in language that the subject or his or her representative can understand. No informed consent, whether oral or written, may include any exculpatory language through which the subject or the subject's representative is made to waive any of the subject's legal rights, or by which the subject or representative releases or appears to release the investigator, the sponsor, or the institution or its agents from liability.

If a study involves both adults and children, separate consent forms should be provided for the adults and the parents or guardians of the children.

C. Elements of Informed Consent

The elements of informed consent are as stated in the regulations at 45 CFR 46.116 and 21 CFR 50.25 as follows:

1. Basic elements of informed consent. In seeking informed consent, the following information shall be provided to each subject:

(a) A statement that the study involves research, and explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and indentification of any procedures which are experimental.

(b) A description of any reasonably foreseeable risks or discomforts to the subject.

(c) A description of any benefits to the subject or to others which may reasonably be expected from the research.

(d) A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject.

(e) A statement that describes the extent, if any, to which confidentiality of records identifying the subject will be maintained and that notes the possibility that FDA may inspect the records.

(f) For research involving more than minimal risk, an explanation as to whether any compensation and any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained.

(g) An explanation of whom to contact for answers to pertinent questions about the research and research subject's rights, and whom to contact in the event of research-related injury to the subject.

(h) A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without

penalty or loss of benefits to which the subject is otherwise entitled.

2. *Additional elements of informed consent.* When appropriate, one or more of the following elements of information shall also be provided to each subject:

(a) A statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable.

(b) Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent.

(c) Any cost to the subject that may result from participation in the research.

(d) The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject.

(e) A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.

(f) The approximate number of subjects involved in the study. The informed consent requirements are not intended to preempt any applicable Federal, State, or local laws which require additional information to be disclosed for informed consent to be legally effective.

Nothing in this notice is intended to limit the authority of a physician to provide emergency medical care to the extent the physician is permitted to do so under applicable Federal, State, or local law.

IV. Reporting Requirements

A quarterly Financial Status Report (SF–269) and program progress report are required. An original and two copies of these reports shall be submitted to FDA's Grants Management Officer within 30 days following each Federal fiscal quarter, except for the fourth-quarter report, which shall serve as the annual report and which shall be due 90 days after the budget expiration date. The program staff shall advise the grantee of the suggested format at the appropriate time. A final program progress report and invention statement must be submitted within 90 days after the expiration date of the approved project period.

V. Mechanism of Support

A. Award Instrument

Support will be in the form of grant awards which will be subject to all policies and requirements that govern the research grant programs of the Public Health Service, including the provisions of 42 CFR Part 52 and 45 CFR Part 74. The regulations promulgated under Executive Order 12372 do not apply to this program.

All grant awards are subject to the requirements for clinical investigations imposed by sections 505, 507, 512, and 515 of the Federal Food, Drug, and Cosmetic Act; section 351 of the Public Health Service Act; and regulations promulgated under any of these sections.

B. Eligibility

These grants are available to any public or private nonprofit entity (including State and local units of government) and any for-profit entity. For-profit entities must exclude fees or profit from their request for support.

C. Length of Support

The length of the study will depend upon the nature of the study. FDA anticipates that a majority of the studies can be completed in 1 year. For those studies with an expected duration of more than 1 year, noncompetitive continuation of support beyond the first year will depend on: (1) Performance during the preceding year and (2) the availability of Federal fiscal year appropriations.

D. Funding Plan

The number of studies funded will depend on the quality of the applications received, the probable importance of the product developed, and the availability of Federal funds to support the project.

VI. Review Procedure and Criteria

A. Review Method

All applications responding to this request for applications will be reviewed and evaluated for scientific and technical merit by experts in the subject field of the specific application. The applications will also be subject to a second level of review to evaluate them in light of the aims of the Orphan Products Development Program.

Before issuance of an FDA grant award, applications will also be reviewed to ensure to the extent practicable that proposed studies are consistent with requirements for investigations and marketing approval under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

B. Review Criteria

Applications must be responsive to this request for applications. Absent concurrence by either the applicant or NIH, the application will be returned to the applicant. Applications will be reviewed according to the following criteria:

1. Responsiveness to this request for applications with specific emphasis on:

(a) Whether the product is an orphan product.

(b) Whether the proposal contains one discrete clinical trial.

(c) Whether there is supporting evidence that the product is available to the applicant in the form needed for the investigation.

(d) Whether the product is subject to premarket approval by FDA.

(e) Whether the proposed study can be completed within the budget and time limitations as stated in this request for applications.

2. The soundness of the rationale for the proposed study.

3. The appropriateness and quality of the study design.

4. The adequacy of the evidence that the proposed number of subjects can be recruited and the study completed during the proposed project period.

5. The adequacy of plans for complying with regulations for protection of human and animal subjects.

6. The qualifications of the investigator and support staff and resources available to them.

7. The request for financial support is adequately justified and fully documented.

VII. Submission Requirements

The original and two copies of the completed Grant Application Form PHS 398 (Rev. 9/86), with sufficient copies of all reprints critical to the review, should be delivered to Robert L. Robins (address above).

The requirement for certification of IRB approval for studies involving the use of human subjects must show the IRB Approval Date (Item 4a.) and the Assurance of Compliance number (Item 4b.) on the face page of the application.

A short statement of why the project is appropriate to the objectives of the Orphan Products Grants Program should appear in the application under Section 2. B.—"Background and Significance."

The outside of the mailing package and the top of the application face page should be labeled "Response to RFA–FDA–OP–88–1."

VIII. Method of Application

A. Submission Instructions

Applications will be accepted during normal working hours, 8 a.m. to 4:30 p.m., Monday through Friday, on or

before the established closing date January 25, 1988.

Applications will be considered received on time if sent on or before the closing date as evidenced by a legible U.S. Postal Service postmark or a legible dated receipt from a commercial carrier. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications not received on time will not be considered for funding and will be returned to the applicant.

Note: Applicants should note that the U.S. Postal Service does not uniformly provide dated postmarks. Before relying on the method, applicants should check with their local post office.

B. Format for Application

Applications must be submitted on Grant Application Form PHS 398 (Rev. 9/86). The face page of the application must reflect the request for applications number, RFA–FDA–OP–88–1. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and FDA's implementing regulations (21 CFR 20.61).

The collection of information requested on Form PHS 398 and the instructions have been submitted by the Public Health Service to the Office of Management and Budget (OMB), and were approved and assigned OMB control number 0925–0001.

C. Legend

Unless disclosure is required by the Freedom of Information Act as amended (5 U.S.C. 552) as determined by the freedom of information officials of the Department of Health and Human Services, data contained in the portions of this application which have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

Dated: September 23, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–24648 Filed 10–21–87; 1:46 pm]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Council Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1987:

Name: National Advisory Council on the National Health Service Corps.

Date and Time: November 16–18, 1987, 9:00 a.m.

Place: Chesapeake Room, Parklawn Building on November 16, 5600 Fishers Lane, Rockville, Maryland 20857 and Tremont Plaza Hotel on November 18, 222 St. Paul Place, Baltimore, Maryland 21202.

Visits will be made to National Health Service Corps sites in the Baltimore area on November 17, leaving the Hotel at 8:30 a.m. No transportation will be provided for visitors and observers.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provision of the legislation.

Agenda: The agenda will include a discussion of Region III activities, overall NHSC policies, budget and other topics at the pleasure of the Council.

Anyone requiring information regarding the subject Council should contact Anna Mae Voigt, National Advisory Council on the National Health Service Corps, Room 7A–23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–4814.

Agenda items are subject to change as priorities dictate.

Dated: October 20, 1987.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 87–24650 Filed 10–23–87; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

Vital and Health Statistics National Committee; meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Disease Prevention and Health Promotion established pursuant to 42 U.S.C. 242k, section 306(k)(2) of the Public Health Service Act, as amended, will meet on Wednesday, November 4, 1987 from 8:30 a.m. to 12:00 Noon in Room 337A of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC.

The public discussion will focus on current data activities of the Public Health Service related to Disease Prevention and Health Promotion, as well as means of addressing gaps in existing data.

Further information regarding this meeting of the Subcommittee may be obtained by contacting Edward L. Hunter, National Center for Health Statistics, Room 2–12, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301)436–7142.

Date: October 9, 1987.

Manning Feinleib,

Director, National Center for Health Statistics.

[FR Doc. 87–24721 Filed 10–23–87; 8:45 am]

BILLING CODE 4160–17–M

Vital and Health Statistics National Committee; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), notice is hereby given that the National Committee on Vital and Health Statistics NCVHS) established pursuant to 42 U.S.C. 242k, section 306(k)(2) of the Public Health Service Act, as amended, will convene on Wednesday, November 4, 1987 from 1:00 p.m. to 5:00 p.m., Thursday, November 5, 1987 from 9:00 a.m. to 5:00 p.m. and Friday, November 6, 1987 from 9:00 a.m. to 1:30 p.m. in Room 503A of the Hubert H. Humphrey Building, 200 Independent Avenue SW., Washington, DC 20201.

The Committee will receive reports from each of its Subcommittees and may address new business as appropriate.

Further information regarding this meeting of the Committee may be obtained by contacting Gail F. Fisher, Ph.D., Executive Secretary, National Committee on Vital and Health Statistics, Room 2–12, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–7050.

Date: October 9, 1987.

Manning Feinlieb,

Director, National Center for Health Statistics.

[FR Doc. 87–24722 Filed 10–23–87; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-87-864; FR-2390]

Delegation of Authority for Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: Section 441 of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, approved July 22, 1987) provides new funding authority for the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals. Homeless individuals must be given a first priority for occupancy in assisted units. This Notice delegates to the Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner the power and authority of the Secretary of Housing and Urban Development with respect to this section, subject to specified exceptions.

EFFECTIVE DATE: October 16, 1987.

FOR FURTHER INFORMATION CONTACT: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Room 6130, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This Notice states the scope of authority given to the Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner to administer the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals, as authorized in section 441 of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, approved July 22, 1987). All of the Secretary's authority with respect to this section is delegated, except the power to sue and be sued. The authority delegated includes the authority to redelegate to employees of the Department, except for the authority to issue rules, regulations, notices, and other **Federal Register** documents, or to waive rules or notices, with respect to the program.

A Notice, containing the requirements necessary to carry out section 441 has already been published in the **Federal Register** (52 FR 38380, October 15, 1987). Accordingly, the Secretary delegates as follows:

Section A. Authority Delegated

The Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner are authorized individually to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals, as authorized by section 441 of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, approved July 22, 1987), except as indicated in Section B, below. This includes the authority to issue rules, regulations, notices, and other **Federal Register** documents, and the authority to waive rules or notices, with respect to the program.

Section B. Authority Excepted

There is excepted from the authority delegated under Section A the power to sue or be sued.

Section C. Authority to Redelegate

The Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner are authorized individually to redelegate to employees of the Department of Housing and Urban Development any of the power and authority delegated under Section A, and not excepted under Section B of this delegation, except that they are not authorized to redelegate the authority to issue rules, regulations, notices, and other **Federal Register** documents, or to waive rules or notices, with respect to the program.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: October 16, 1987.

Carl D. Covitz,

Acting Secretary of Housing and Urban Development.

[FR Doc. 87-24646 Filed 10-23-87; 8:45 am]

BILLING CODE 4210-33-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 274 (Sub-No. 3E)]

Abandonment of Rail Lines; Use of Opportunity Costs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission finds that, in abandonment proceedings, the appropriate rate of return to be used in calculating opportunity costs and other return on investment, where use of the real pre-tax cost of capital is prescribed, is 14.5 percent. Other rates of return that are supported by clearly explained methodologies and evidence will be considered on a case-by-case basis.

DATE: This notice will be effective on October 26, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245, [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357, (assistance for the hearing impaired is available through TDD services (202) 275-1721) or by pickup from Dynamic Concepts, Inc. in Room 2229 at Commission headquarters.

Decided: October 19, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Andre commented with a separate expression. Vice Chairman Lamboley dissented with a separate expresssion.

Noreta R. McGee,

Secretary.

[FR Doc. 87-24680 Filed 10-23-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31116]

Buffalo & Pittsburgh Railroad, Inc.; Exemption of Acquisition and Operation of Rail Line; CSX Transportation, Inc. and Buffalo, Rochester, and Pittsburgh Railway Co.

Buffalo & Pittsburgh Railroad, Inc. (B&P) has filed a notice of exemption to acquire from CSX Transportation, Inc. (CSXT) and Buffalo, Rochester and Pittsburgh Railway Company (BRP) and operate the following lines of railroad located in New York and Pennsylvania:

1. The line of railroad between Buffalo, NY and Eidenau, PA, milepost 0.000 to milepost 45.1 and milepost 93.63 to milepost 303.86.

2. The line of railroad between Butler, PA and Bruin, PA, milepost A44.3 to milepost A61.97.

3. The line of railroad between Punxsutawney, PA and Indiana, PA, (including Creekside), milepost 0.000 to milepost 44.7 and milepost 0.000 to milepost 17.02.

4. The line of railroad between Clearfield, PA and Mahoning, PA, milepost 0.000 to milepost 25.7.

5. The line of railroad between DuBois, PA and Sabula, PA, milepost 206.92 to milepost 205.60 and milepost 41.47 to milepost 48.49.

6. The line of railroad in Salamanca, NY, milepost 0.000 to milepost 1.26 (Sta. 66+75.7)

B&O and BRP will grant B&P trackage rights relating to the above lines between milepost 30.5 (303.86) near Butler, PA and milepost 55.6 at UN Tower near New Castle, PA.

Comments must be filed with the Commission and served on James B. Gray, Jr., Harter, Secrest & Emery, 700 Midtown Tower, Rochester, NY 14064, (716–232–6500).

Genesee & Wyoming Industries, Inc., The Arthur T. Walker Estate Corporation, Dumaines and B&P have also filed a Petition for Exemption, pursuant to 49 U.S.C. 10505 for an exemption from the provisions of 49 U.S.C. 11343 with regard to their continuance in control of B&P[1]

This notice is filed under 49 CFR Part 1150. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.[2]

Decided: October 20, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–24679 Filed 10–23–87; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–288X]

Franklin County Railroad Corp.; Abandonment Exemption; Franklin County, NC

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 10903, *et. seq.*, the abandonment by Franklin County Railroad Corporation of 9.64 miles of track in Franklin County, NC, subject to the employee protective conditions in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

DATES: This exemption is effective on November 25, 1987. Petitions to stay must be filed by November 5, 1987 and petitions for reconsideration must be filed by November 16, 1987.

ADDRESSES: Send pleadings referring to Docket No. AB–288X to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Fritz R. Kahn, Suite 1000, 1660 L Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 275–7245 TDD for hearing impaired, (202) 275–1721.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (Assistance for the hearing impaired is available through TDD services (202) 275–1721) or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters.

Decided: October 15, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87–24678 Filed 10–23–87; 8:45 am]

BILLING CODE 7035–01–M

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[1] B&P's acquisition of the involved CSX properties must await an effective Commission decision in Finance Docket No. 31117, exempting the continuance in control described above.

[2] By decision served October 19, 1987, the Commission denied a petition of the New York and Pennsylvania State Legislative Boards of the United Transportation Union, requesting rejection, or alternatively, a stay of the effective date of this exemption.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Revocation of Registration; Gerald I. Schor, M.D.

On July 2, 1987, the Administrator of the Drug Enforcement Administration (DEA) issued to Gerald I. Schor, M.D. of 412 Wood Street, California, Pennsylvania 15419, an Order to Show Cause proposing to revoke his DEA Certificate of Registration AS0424274. The Order to Show Cause alleged that the continued registration of Dr. Schor would be inconsistent with the public interest, as set forth in 21 U.S.C. 823(f). Additionally, citing his preliminary finding that Dr. Schor's continued registration posed an imminent danger to the public health and safety, the Administrator ordered the immediate suspension of DEA Certificate of Registration AS0424274 during the pendency of these proceedings. 21 U.S.C. 824(d).

The Order to Show Cause/Immediate Suspension was personally served on Dr. Schor on July 8, 1987. More than thirty days have passed since the Order to Show Cause was served and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 1301.54(d), Dr. Schor is deemed to have waived his opportunity for a hearing. Accordingly the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that on June 4, 1987, an undercover DEA Agent, two informants and two individuals made arrangements to obtain a quantity of Percocet tablets from Dr. Schor. While one individiaul went to Dr. Schor's office, the others waited at a designated location. When the individual returned from the Doctor's office, he had several prescriptions. Although the Agent had never been examined by Dr. Schor, the individual produced two prescriptions issued to the Agent in her undercover name. One prescription was for Percocet; the other prescription was for Tuinal. Both are Schedule II controlled substances.

On June 5, 1987, the Agent, an informant and an individual met to discuss obtaining prescriptions from Dr. Schor. The Agent and the informant provided the individual with three names and address and requested that the prescriptions be in these names. The individual went to Dr. Schor's office/residence at 12:15 a.m. and returned to the designated location at 1:48 a.m. The individual showed the Agent six prescriptions for Preludin and Percocet, both Schedule II controlled substances, which were written and signed by Dr. Schor. They were in the names provided by the Agent and the informant. Two prescriptions were issued to Barbara Roth; two prescriptions were issued to Karen Hall; and, two prescriptions were issued to Angela Pastone.

One June 5, 1987, Dr. Schor and the two individuals involved in the prescription purchases on June 4 and June 5, 1987, were arrested for conspiracy to possess and distribute Schedule II narcotic controlled substances. 21 U.S.C. 846. On August 10, 1987, pursuant to an agreement with the U.S. Attorney for the Western District of Pennsylvania, Dr. Schor pled guilty to one count of conspiracy and one count of illegal distribution of controlled substances, both controlled substance related felonies. Dr. Schor was

convicted and sentenced on September 15, 1987, to four years incarceration.

A felony conviction relating to controlled substances is a sufficient ground for the revocation of a registrant's DEA Certificate of Registration. *Fitzhugh* v. *DEA*, 813 F.2d 1248 (D.C. Cir. 1987). Based on Dr. Schor's felony convictions relating to controlled substances and his previous behavior relating to the distribution of controlled substances via prescription for no legitimate medical purpose, the Administrator finds that a lawful basis exists for the revocation of Dr. Schor's registration, and for the denial of any pending applications for renewal.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AS0424274, previously issued to Dr. Gerald Schor, be, and hereby is, revoked. This order is effective November 25, 1987.

Dated: October 20, 1987.

John C. Lawn,

Administrator.

[FR Doc. 87-24664 Filed 10-23-87; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 30-05373; License No. 29-09814-01; EA 87-79]

Eastern Testing and Inspection, Inc.; Order Imposing Civil Monetary Penalties

In the matter of Eastern Testing and Inspection, Inc., 9220 Collins Avenue, Pennsauken, New Jersey 08110.

I

Eastern Testing and Inspection, Inc., Pennsauken, New Jersey 08110 (the "licensee") is the holder of Byproduct Material License No. 29-09814-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or "NRC") which authorizes the licensee to perform industrial radiography. The license was issued on February 2, 1964, was most recently renewed on February 20, 1987, and is due to expire on February 29, 1992.

II

An NRC safety inspection of the licensee's activities under the license was conducted on April 3 and 15, 1987. During the inspection, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated July 24, 1987. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of civil penalties proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties by letters dated August 21, 1987 and September 8, 1987.

III

After consideration of the licensee's response and the statements of fact, explanations, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order, that the violations occurred as stated but, given the current financial condition of the Company, the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be reduced to $3,250 and the licensee should be allowed to pay the imposed penalties in twenty-four monthly installments.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties, either:

a. In the full amount of Three Thousand Two Hundred and Fifty Dollars ($3,250), within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555; or,

b. In twenty-three equal monthly installments of $147.17 each, and a twenty-fourth installment of $147.26 by check, draft, or money order payable to the Treasurer of the United States, which includes interest accruing from November 15, 1987 at the rate of 8⅛ percent per year, as described in the schedule of monthly installments provided with the enclosed "Promissory Note in Payment of Preexisting Debt," which the licensee must provide with the first payment to the Director, Division of Accounting and Finance, Office of Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within thirty days of the date of the Order. The licensee's signature of the "Promissory Note in Payment of Preexisting Debt" constitutes a waiver of a right to request a hearing as provided below, to contest the amount of the civil penalties and the underlying violations, and empowers the United States to obtain a judgment provision against it without a hearing in the event it fails to make a required payment.

V

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing shall be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn; Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region I.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered as such hearing shall be:

(a) Whether the licensee was in violation of the Commission requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties as referenced in Section II above; and

(b) Whether, on the basis of such violation, this Order should be sustained.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Executive Director for Regional Operations.

Dated at Bethesda, Maryland, this 20th day of October 1987.

Appendix—Evaluations and Conclusions

On July 24, 1987, a Notice of Violation and Proposed Imposition of Civil Penalties (NOV) was issued for violations identified during a routine NRC inspection. Eastern Testing and Inspection, Inc., responded to the Notice by two letters dated August 21 and a letter dated September 8, 1987. In its responses, the licensee does not deny any of the violations, but requests mitigation of the civil penalties. The NRC's evaluation and conclusion regarding the licensee's arguments are as follows:

Restatement of Violations

I. Violation Involving an Inoperable Alarm

10 CFR 34.29(b) requires that each entrance used for personnel access to the high radiation area in a permanent radiographic installation have both visible and audible warning signals to warn of the presence of radiation. The audible signal shall be actuated whenever an attempt is made to enter the installation while the radioactive source is exposed.

Contrary to the above, on April 3, 1987, the personnel access point (a sliding door) to the high radiation area of the iridium-192 radiography cell at the licensee's permanent facility in Pennsauken, New Jersey, did not have an audible signal which was activated whenever an attempt was made to enter the installation when the source was exposed. Specifically, the bell was taped so that it would not activate as required.

This is a Severity Level III violation (Supplement IV).

Civil Penalty—$5,000.

II Violations Associated with Dosimeter, Audit and Transportation Requirements

A. 10 CFR 34.33(a) requires that a radiographer and radiographer's assistant, whenever performing radiographic activities, shall wear pocket dosimeters which have been recharged at the start of each shift.

Contrary to the above, on April 15, 1987, at a field site in Philadelphia, Pennsylvania, a radiographer and a radiographer's assistant did not recharge their pocket dosimeter at the start of the shift in which they performed radiographic activities.

B. Condition 16 of License No. 29–09814–01 requires that licensed material be possessed and used in accordance with the statements, representations and procedures contained in a letter from the licensee dated January 12, 1987. Item 4.b. of the letter dated January 12, 1987 requires that each individual involved in radiographic activities be audited at a jobsite on a quarterly basis.

Prior to its renewal on February 20, 1987, Condition 16 required that licensed material be possessed and used in accordance with the statements, representations and procedures contained in a letter received from the licensee on July 30, 1981. Item 4 of the letter received on July 30, 1981 required that a comprehensive audit program be conducted every 3 months of each individual involved in radiography.

Contrary to the above, during the fourth quarter of 1986 and the first quarter of 1987, at least four individuals involved in radiographic activities were not audited.

C. 10 CFR 71.5(a) requires that each licensee who transports licensed material outside the confines of its plant or who delivers licensed material to a carrier for transport shall comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation in 49 CFR Parts 170–189. 49 CFR 172.200 requires that shipping papers be furnished for each shipment of hazardous material. 49 CFR 172.101, and its associated Hazardous Material Table, lists radioactive material as a hazardous material.

Contrary to the above, on April 15, 1987, radioactive material, specifically, an iridum-192 radiography source, was transported from the licensee's facility in Pennsauken, New Jersey to a field site in Philadelphia, Pennsylvania without being accompanied by the required shipping papers.

Each of these violations has been categorized at Severity Level IV (Supplements IV and V).

Cumulative Civil Penalty—$1,500 (assessed equally among the violations).

Summary of Licensee Response

The licensee, in its responses, does not deny any of the violations. However, the licensee does not request mitigation of the civil penalties based on: (1) Its corrective action for the violations which included implementing a daily check of the alarm system, implementing a comprehensive audit program, and incorporating a back-up system to ensure that shipping papers will always accompany a source; (2) extenuating circumstances (illness of the Radiation Safety Officer) that contributed to one of the violations (II.B); (3) its stated claim that these violations in no way reflect its overall safety program, which has been operating safely since incorporation in 1964; (4) the fact that none of the violations resulted in exposure to any individual; and (5) the severe economic posture of the company.

NRC Evaluation of Licensee Response

When the NRC proposed the civil penalties, it considered the licensee's corrective actions for the violations. Although these corrective actions were considered acceptable, they were not considered unusually prompt and extensive. Therefore, no adjustment of the civil penalties was deemed appropriate.

While the NRC recognizes that the illness of the Radiation Safety Officer may have contributed to one of the violations, these circumstances do not provide a basis for mitigation of the civil penalties. If the responsibilities of the license can not be implemented by a particular individual, it is the licensee's responsibility to ensure that others are assigned to assure that licensed activities are conducted safely and in accordance with the terms of the license.

With respect to the licensee's claim that its overall safety record provides a basis for mitigation, the NRC disagrees with this claim, since, as explained in the July 24, 1987 letter sent with the Notice of Violation, all four of the violations identified during this inspection had been identified during previous inspections at the facility. In fact, prior to this inspection, 26 violations were previously identified during NRC inspections of this licensee since 1979, including violations that resulted in the imposition of a $6,900 civil penalty (EA 79–002) on July 3, 1980. Furthermore, a $2,300 civil penalty (EA 74–003) was imposed on August 12, 1974, for seven other violations of NRC requirements. Given this history of violations and civil penalties, the licensee's overall safety record does not provide a basis for mitigation.

In addition, the licensee's claim that the violations did not result in a radiation exposure to any individual does not provide a basis for mitigation of the penalties since the potential for such exposure existed. As stated in the July 24, 1987 Notice of Violation and Proposed Imposition of Civil Penalties, the failure to maintain the audible warning signal to the iridium-192 cell in an operable status is of particular concern to the NRC since it could have resulted in unnecessary exposure of individuals to radiation, and was similar to a violation identified during an inspection in 1982. If an individual had received a radiation exposure, the civil penalty for this violation probably would have been increased.

The NRC Enforcement Policy recognizes that a licensee's ability to pay is a proper consideration in determining the amount of a civil penalty. The licensee's financial information submitted in its September 8, 1987 letter demonstrates that imposition of a civil penalty in the amount proposed would create a severe financial burden. Recognizing the current financial situation, the penalty is being reduced by 50 percent. The NRC also finds, consistent with its Enforcement Policy, that the imposition of the reduced civil penalties will not result in economic termination of the licensee's business or financial hindrance of the licensee's ability to

safely conduct licensed activities. However, the NRC has concluded that given the economic position of the company, the licensee should be allowed to pay the reduced penalties in twenty-four monthly installments.

NRC Conclusion

The proposed civil penalties in the amount of $3,250 should be imposed. However, given the current financial condition of the Company, the licensee may pay the civil penalties in twenty-four monthly installments.

[FR Doc. 87-24736 Filed 10-23-87; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-250, 50-251 and License Nos. DPR-31 and DPR-41; EA 87-85

Florida Power and Light Co., (Turkey Point Nuclear Plant Units 3 and 4); Order (Effective Immediately)

I

Florida Power and Light Company is the holder of operating Licenses No. DPR-31 and DPR-41 issued by the Nuclear Regulatory Commission (NRC/Commission) on July 19, 1972 and April 10, 1973 respectively. The license authorize the licensee to operate Turkey Point Nuclear Plant Units 3 and 4 in accordance with conditions specified therein.

II

Between July 1983 and May 1987, the licensee has been cited for 32 violations for failure to implement or to follow procedures. Lack of management controls in these and other areas has resulted in multiple escalated enforcement actions including seven civil penalties since July 20, 1984 and two additional civil penalties in the brief period since July 21, 1987. Overall poor performance by the licensee additionally resulted in the Turkey Point Performance Enhancement Program. A Confirmatory Order was issued on July 13, 1984 to confirm the implementation of this program. Subsequently to that, numerous additional violations were identified and the Phase II Assessment Program was developed by FP&L to be implemented in conjunction with the Performance Enhancement Program. This was addressed in the Confirmatory Order issued on August 12, 1986.

Routine inspections of the licensee's activities were conducted during May 18-July 20, 1987. The results of these inspections indicated that the licensee again had not conducted its activities in full compliance with NRC requirements. In conjunction with this Order, a written Notice of Violation and Proposed Imposition of Civil Penalty is being served upon the licensee. The Notice of Violation details a number of examples of the failure to adhere to approved procedures and maintain configuration control over safety-related systems.

III

The first two violations described in the Notice detail a number of occasions where plant pesonnel manipulated valves without the use of approved procedures or approval of licensed supervisory personnel. The major areas of concern included operations personnel departing from approved procedures, failing to notify the control room of changes in system lineups, the loss of configuration control over the safety-related emergency boration system, and system engineers directing plant operators to perform valve operations without first obtaining the proper authorization from the control room staff and without using approved procedures. These failures to adequately establish or implement procedures to assure configuration control of the safety-related emergency boration system resulted in the loss of boric acid flow paths which were required by Technical Specifications. Additionally, a Turbine operator closed valves which he thought were misaligned. The operator was unaware of the proper valve lineup configuration, failed to report the system realignment to the control room, failed to implement the approved system lineup procedure, and failed to document the perceived misalignment and his subsequent realignment. At least one plant operator also failed to identify or promptly inform the control room staff of the status of the valves. The improper manipulation of these values resulted in the isolation of the nitrogen backup system for the Auxililary Feedwater System (AFW) flow control valves. The AFW flow control valves normally use the non-safety-related, non-seismic instrument air system for automatic valve positioning; therefore, the failure to have the nitrogen back-up system available is unlikely to have prevented the AFW system from operating. Nevertheless, these failures by plant personnel indicate a lack of appreciation for procedural compliance, system configuration control, and receiving appropriate authorization for realignments from the control room.

The third violation described in the Notice addresses an event involving operation of the Intake Cooling Water (ICW) system outside the plant design basis, another example where communications of required information to supervisory personnel was a contributing factor. On December 1, 1986, a performance test conducted on the Unit 3 Component Cooling Water (CCW) heat exchangers indicated degraded performance. Revised data and proposed immediate cleaning schedule were forwarded to the Shift Technical Advisors on December 4, 1986, but the changes required by the revised performance data were not implemented and the cleaning schedule was not adhered to. As a result of this failure to perform corrective action, with the 3B CCW heat exchanger out of service for cleaning during a seventeen hour period on December 11, 1986, the two CCW heat exchangers remaining in service would not have been able to dissipate the maximum hypothetical heat load even with the ICW flow provided by two ICW pumps as decribed in safety evaluation JPE-L-85-38, Rev. 2, and the turbine plant cooling system isolated.

In addition, on September 13, 1987, a licensed operator permitted an unauthorized, non-licensed individual to manipulate the reactor dilution controls in Unit 3 control room, and although a management representative on shift observed and reported the incident, neither the Site Vice-President nor management at the Corporate Office were informed of the event until a week later. The NRC is continuing to evaluate the circumstances surrounding this event, but it is clear that an attitude that permits an unauthorized, non-licensed individual to perform such actions is unacceptable. The NRC will consider whether further action is necessary on this issue subsequent to the completion of our evaluation.

IV

The nature and number of deficiencies that have been identified over the past few years at Turkey Point described in Section II together with the more recent issues in Section III raise questions regarding the ability of Florida Power and Light to adequately control activities at Turkey Point. In contrast, the licensee's St. Lucie facility has performed well with few of the weaknesses evident at Turkey Point. Continued operation of the Turkey Point facility may require significant personnel and procedural changes at both Turkey Point and the Florida Power and Light corporate office in order to ensure a consistent level of adequate performance.

Florida Power and Light has taken the initiative in developing a number of programs designed to improve performance, including a review of the design basis of selected systems, a review and revision of all operating

procedures, making a number of management changes, a management on-shift program and contracting with an outside consultant to review its activities. The last two initiatives which the licensee committed to in a letter dated October 7, 1987 and further described in meetings on September 25, 1987 and October 8, 1987, as well as in a letter dated October 19, 1987 appear necessary to provide assurance that proper controls are in place, along with qualified and committed management, and staff to properly perform licensed activities. Therefore, I have determined that public health and safety require that Florida Power and Light's plan for an independent evaluation be confirmed as revised by this Order. Pending the NRC evaluation of the results of the independent evaluation, I have also determined that the public health and safety requires that an on-shift oversight program be confirmed as revised by this Order.

V

In view of the foregoing pursuant to sections 103, 161(i), 161(o) and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR Part 50, it is hereby ordered effective immediately that:

A. Within 30 days of the date of this Order, the licensee shall submit to the Region II Administrator for review and approval a plan for an independent written appraisal of site and corporate organizations and activities that would develop recommendations, where necessary, for improvements in management controls and oversight to provide assurance that personnel will comply with required procedures. Upon approval of the plan, it shall be implemented and scheduled milestone completion dates shall not be extended without good cause and the concurrence of the Region II Administrator. The appraisal shall be completed as called for in the above plan, but in any case, within six months of the date of this Order. The plan shall include at least the elements itemized below:

(1) An independent organization retained by the licensee shall evaluate current organizational responsibilities, management controls, improvement and upgrade programs, staffing levels and competence, communications, the safety review process, and operating practices both at Turkey Point and the corporate office. The licensee's programs for personnel motivation such as incentive and disciplinary programs shall be examined in the appraisal. Where applicable, the practices at the St. Lucie facility shall be reviewed and compared with those at Turkey Point.

(2) The appraisal shall include a review of the licensee's site and corporate management supervisory personnel as well as a representative number of site working level personnel to determine their understanding of both regulatory and administrative requirements in the areas of procedural implementation and compliance. Additionally, a determination of the level of commitment of the personnel to such goals should be made.

(3) The appraisal report shall include the views of the independent organization on the causes of the past failures to meet regulatory requirements referenced in Section II and III of the Order and an evaluation of the adequacy of the current improvement and upgrade programs and management changes to achieve lasting safety improvements in compliance with Commission requirements. Past efforts to improve procedures relating to security and operations shall be reviewed. Recommendations shall be made for procedural, organizational, personnel, or other changes to improve the safety of plant operations and compliance with Commission requirements.

(4) A description of the appraisal program, the qualification of the appraisal team, a discussion of how the appraisal is to be documented, and a schedule with appropriate milestones.

(5) Periodic meetings shall be provided between the outside organization and the licensee to alert the licensee of potential safety issues that may need immediate correction.

B. The final report, as well as interim findings, will be communicated to a senior-level review board consisting of the FP&L Chairman and Chief Executive Officer, the President and Chief Operating Officer, and the Group Vice President Nuclear Energy Department.

C. The licensee shall direct the outside organization to submit to the Region II Administrator a copy of the report of the appraisal recommendations resulting from the appraisal, any any and all drafts thereof, at the same time they are sent to the licensee or any of its employees or contractors. Prior notice shall be given the Region II Administrator of any meeting between the licensee and the organization to discuss the results, recommendations, or progress made on the appraisal. The Region II Administrator may designate a member of his staff to attend any such meetings as an observer. In addition the licensee shall consider the, recommendations resulting from the appraisal and provide to Region II Administrator within 30 days of the receipt of the appraisal an analysis of each such recommendation and the action to be taken in response to recommendation. The licensee shall also provide at that time a schedule for accomplishing these actions. Justification shall be provided for any recommendation of the appraisal not adopted.

D. Pending the completion of the review of the results of the above independent appraisal programs, the licensee shall implement a continuous on-shift oversight program to monitor the safety of plant operations, both in and out of the control room. The oversight program shall be implemented prior to either unit entering Mode 2 (Startup) following the current outages

(1) At least one evaluator, whether licensee employee or contractor, on each shift shall have held a senior reactor operator license or have experience in auditing or appraising commercial nuclear plant operations and not have been an employee at the Turkey Point facility within the last two years.

(2) A guidance document will be issued which identifies the purpose of the program, the responsibilities of the personnel assigned to the program, reporting requirements, and the authority given to the evaluators to act where necessary to prevent personnel error and to assure quality performance. A copy of such duties and responsibilities shall be provided to the NRC. At a minimum the evaluation shall report observations of immediate safety significance to the shift supervisor and his direct supervisor. Daily reports of all activities addressing questionable operating practices shall be made to the Site Vice President with same day copies provided to the President of FP&L. The President of FP&L shall be directly responsible for the oversight program. A weekly summary report along with a compilation of daily reports shall be provided to the Region II Administrator.

(3) Following the licensee's review of the results of the independent appraisal program the licensee may seek to terminate the oversight program. Written justification of the termination shall be provided to the Region II Administrator, explaining the basis for termination after considering the significance of any appraisal or oversight findings in the area of plant operations.

F. The Regional Administrator, Region II, may relax or terminate in writing any

of the preceding provisions for good cause.

VI

The licensee or any person adversely affected by this Order may request a hearing within 30 days of the date of this Order. A request for hearing should be clearly marked as a "Request for Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with copies to the Assistant General Counsel for Enforcement, Regional Administrator, Region II, and the NRC Resident Inspector, Turkey Point Nuclear Plant.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If a hearing is held, the issue to be considered shall be whether this Order should be sustained. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which the petitioner's interest is adversely affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). Upon the failure of the licensee and any other person adversely affected by this Order to answer or request a hearing within the specified time, this Order shall be final without further proceedings. An answer to this order or a request for hearing shall not stay the immediate effectiveness of this order.

For The Nuclear Regulatory Commission.

James Taylor,

Deputy Executive Director for Regional Operations.

Dated at Bethesda, Maryland, this 19th day of October 1987.

[FR Doc. 87-24737 Filed 10-23-87; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 53-17854-01, Docket No. 30-13435, ASLBP No. 88-559-01-EA]

Finlay Testing Laboratories, Inc.; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, a presiding officer is designated in the following proceeding: Finlay Testing Laboratories, Inc., Byproduct Material License No. 53-17854-01, E. A. 87-186.

The presiding officer is being designated pursuant to the Licensee's request for a hearing regarding an Order issued by the Deputy Executive Director for Regional Operations, dated September 21, 1987, entitled "Order Suspending License (Effective Immediately)."

The presiding officer in this proceeding is The Honorable Robert M. Lazo, Administrative Judge.

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed with Judge Lazo in accordance with 10 CFR 2.701. His address is: Administrative Judge Robert M. Lazo, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Issued at Bethesda, Maryland, this 21st day of October 1987.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 87-24723 Filed 10-23-87; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow and Contract-Language Requirements Relating to Sale of Assets By an Employer That Contributes to a Multiemployer Plan; Puerto Rico Maritime Shipping Authority and Maher Terminals, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted an exemption from the bond/escrow and contract-language requirements of section 4204(a)(1) (B) and (C) of the Employee Retirement Income Security Act of 1974 to Puerto Rico Maritime Shipping Authority and Maher Terminals, Inc. A notice of the request for exemption was published in the **Federal Register** on August 3, 1987 (52 FR 28768). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (38000) at the above address.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202-956-5050 (202-956-5059) for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Under section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), a sale of assets by an employer that contributes to multiemployer pension plan will not constitute a withdrawal from the plan if certain conditions are met. Two of these conditions are that the purchaser post a bond or deposit money in escrow for the five plan years beginning after the sale and that the sale contract provide for secondary liability on the part of the seller if the buyer withdraws during the five-year period.

ERISA section 4204(c) authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C). Under § 2643.3(a) of the PBGC's regulation on variances for sales of assets (29 CFR Part 2643), the PBGC will approve a request for an exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sale rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of an exemption request in the **Federal Register**, and to give interested parties an opportunity to comment on the proposed exemption.

Decision

On August 3, 1987 (52 FR 28768), the PBGC published a notice of the pendency of a request from Puerto Rico Maritime Shipping Authority ("PRMSA") and Maher Terminals, Inc. ("Maher"), for an exemption from the bond/escrow and contract-language requirements of section 4204(a)(1) (B) and (C) of ERISA in connection with Maher's purchase, effective November 29, 1986, of the assets of the guard service operated by PRMSA in Port

Elizabeth, New Jersey. (The information necessary to support the waiver request is confidential financial information (within the meaning of section 552(b)(4) of the Freedom of Information Act) that Maher declines to submit to the Plan.) No comments were received in response to the notice of pendency.

In connection with the sale, Maher assumed PRMSA's obligation to contribute to the NYSA–PPGU Pension Fund and Plan ("the Plan"). The Plan has informed Maher that the amount of the bond or escrow required of Maher under section 4204(a)(1)(B) is $105,734. The Plan has also informed Maher that it will not request Maher to post the bond while Maher's waiver request to the PBGC is pending. The estimated amount of the withdrawal liability that PRMSA would otherwise incur as a result of the sale if section 4204 did not apply to the sale is $272,385.

Maher stated that the request for an exemption should be granted because it satisfies the net tangible assets test described in § 2643.14(a)(2) of the regulation. The sum of the amount of unfunded vested benefits allocable to Maher and PRMSA as of the date of the sale was $857,558. Maher's audited financial statements show net tangible assets of more than $2,000,000 as of the end of its fiscal year ending in September 1986.

Based on the facts of this case and the representations and statements made in connection with the exemption request, the PBGC has determined that an exemption from the bond/escrow and contract-language requirements is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the Plan. Therefore, the PBGC hereby grants the request for an exemption from the bond/escrow and contract language requirements of section 4204(a)(1) (B) and (C) of ERISA with respect to Maher's purchase of assets from PRMSA. The granting of such an exemption does not constitute a determination by the PBGC that the transaction satisfies the other requirements of section 4204(a)(1). That is a determination to be made by the plan sponsor.

Issued at Washington, DC, on this 16th day of October, 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87–24742 Filed 10–23–87; 8:45 am]

BILLING CODE 7708–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by the Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549.

Extension

File No. 270–27, Rule 17a–13;
File No. 270–85, Rule 12a–5 and Form 26;
File No. 270–86, Rule 12d2–2 and Form 25;
File No. 270–98, Rule 12d2–1;
File No. 270–92, Rule 15Ba2–6;
File No. 270–93, Rule 15B3–1;
File No. 270–91, Rule 15Ba2–5;
File No. 270–90, Rule 15Ba2–4;
File No. 270–89, Rule 15Ba2–2;
File No. 270–154, Rule 17a–10;
File No. 270–139, Rule 12f–1;
File No. 270–149, Rule 17Ad–(2) (c), (d) & (h);
File No. 270–148, Rule 17a–19;
File No. 270–146, Rule 15c1–7;
File No. 270–96, Rule 17Ac3–1 and Form TA–W;

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB clearance the following rules and forms under the Securities Exchange Act of 1934:

Rule 17a–13 which requires quarterly security counts be made by certain exchange members, brokers and dealers. Five thousand respondents incur an estimated average of twenty-five burden hours to comply with the Rule.

Rule 12a–5 and Form 26 which provide a temporary exemption whenever the holders of a security admitted to trading on a national securities exchange obtain the right to acquire all or part of a class of another or substitute security of the same or another issuer, or an additional amount of the original security. Fifty respondents incur an estimated average of twenty burden minutes to comply with the Rule.

Rule 12d2–2 and Form 25 which provide for a national securities exchange to file an application with the Commission to strike a security from listing and registration Five-hundred and thirty respondents incur an estimated average of one-burden hour to comply with the Rule.

Rule 12d2–1 which provides that a national securities exchange may suspend from trading a security listed and registered thereon in accordance with its rules. One-hundred and twenty respondents incur an estimated average of thirty burden minutes to comply with the Rule.

Rule 15Ba2–6 which provides for the adoption of an application for registration of a municipal securities dealers filed by a predecessor municipal securities dealer. One respondent incurs an estimated average of one burden hour to comply with the rule.

Rule 15Ba2–5 which provides that the registration of a municipal securities dealer shall be deemed to be the registration of the fiduciaries. One respondent incurs an estimated average of four burden hours to comply with the Rule.

Rule 15Bc3–1 which provides that notice of withdrawal from registration as a municipal securities dealer be filed on Form MSDW. Twenty respondents incur an estimated average of thirty burden minutes to comply with the Rule.

Rule 15Ba2–4 which provides that the registration of the predecessor municipal securities dealer shall be deemed to remain effective as the registration of the successor for a period of 75 days. Five respondents incur an an estimated average of four burden hours to comply with the Rule.

Rule 15Ba2–2 which provides that an application for registration of non-bank municipal securities dealers whose business is exclusively intrastate shall be filed on Form BD. Five respondents incur an estimated total of one burden hour.

Rule 17a–10 which provides that every broker or dealer exempted from the filing requirements of paragraph (a) of Rule 7617a–5 file a report on revenue and expenses. Seven thousand respondents incur an estimated average of one-burden hour to comply with the Rule.

Rule 12f–1 which provides that an application may be made to the Commission by any national securities exchange for the extension of unlisted trading privileges to any security. Six-hundred and seventy respondents incur an estimated average of one burden hour to comply with the Rule.

Rule 17Ad–2(c), (d) & (h) which provides the requirements for turn around, processing, and forwarding of items for registered transfer agents. Eight respondents incur an estimated total of thirty burden minutes to comply with the Rule.

Rule 17a–19 which provides that national securities exchanges and registered national securities associations report changes in the membership status of any member. Eight

respondents incur an estimated average of fifteen burden minutes to compy with the Rule.

Rule 15c1–7 which provides a standard to determine whether a transaction is manipulative or fraudulent and establishes a means to ensure that all transactions occuring in a discretionary account are noted. Two hundred thousand respondents incur an estimated average of five burden minutes to comply with the Rule.

Rule 17Ac3–1 and Form TA–W provide a system for withdrawal from registration with the Commission as a transfer agent. Thirty respondents incur an estimated average of thirty burden minutes to comply with this Rule.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395–7340, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

October 15, 1987.

[FR Doc. 87–24743 Filed 10–23–87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–25041; File No. AMEX–87–22]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Changes

On September 4, 1987, the American Stock Exchange, Inc. ("AMEX" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit the AMEX to list long-term option series.

The proposed rule change was noticed in Securities Exchange Act Release No. 34–24948 (September 29, 1987), 52 FR 37385 (October 6, 1987). No comments have been received.

The proposed rule change will allow the Exchange to list long-term options on its broad-based indices. Currently, options on broad-based indices begin trading approximately twelve months prior to their expiration. More specifically, the proposal would allow the AMEX to list option series that expire in either one, two or three years, with the Exchange retaining the right also to list options with intervening six month expirations (e.g., 1½ years, 2½ years). When listed, such option series will be opened for trading either when there is buying or selling interest, or 40 minutes prior to the close, whichever occurs first. No quotations will be posted for such long term option series until they are opened for trading. When these option series have less than 12 months to expiration they will be treated like any other non long-term option for all trading procedures, including opening procedures.

Strike price interval, bid/ask differential, and continuity rules will not apply to such long term option series until the time to expiration is less than 12 months. The AMEX believes it is appropriate to waive these rules initially because of the lack of historical pricing data upon which to base such prices.[3] Strict price interval requirements and bid/ask differential rules currently are based on options that expire 12 months from the time they begin trading. There currently is no basis for establishing accurate prices for long-term options that will expire 12 to 36 months from the time they begin trading.

The Exchange states that the inapplicability of specific AMEX rules concerning strike price intervals, bid/ask differentials and price continuity will not prevent the AMEX from concluding that market-maker performance is inadequate should a specialist and/or registered trader enter into transactions or make bids or offers in long-term options that are inconsistent with their obligation to maintain fair and orderly markets. In this regard, the Commission notes the AMEX's bid/ask differential and continuity rules are part of the general rules that obligates specialist and registered options traders to maintain a fair and orderly market.[4] The Commission believes that the requirement of this rule are broad enough, even in the absence of bid-ask differentials and continuity requirements, to allow the Exchange the authority to make a finding of inadequate making performance.

The Commission agrees that it may be impractical for the AMEX to apply the usual strike price interval, bid/ask differential, and continuity rules to the longer term options. However, the AMEX has stated that it will monitor the trading in the long-term options closely to gain experience with regard to these options, and that it will reexamine the applicability of these rules to the long-term options in one year's time.

The proposed rule change is designed to facilitate transactions in options by providing investors with additional means to hedge equity portfolios from long-term market risk. In particular, the proposal to respond to requests from institutional customers to list long-term options. The proposal would allow institutions, to use these long-term options to protect portfolios from long-term market moves with a known and limited cost. As a result, the Commission believes that the proposed rule change will thus better serve the long-term hedging needs of institutional investors.

Long term options also would provide institutions with an alternative to insuring portfolios with futures positions. Many institutional investors now use stock index futures contracts that have terms of 12 months or more to hedge portfolio risk. The Commission believes that the proposed long-term options will provide institutions with a broader range of choice in their use of hedging vehicles, and will place options on a more equal position with futures products.

For the above reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 [5] and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change raises substantially the same issues that were addressed recently when the Commission approved the listing of long-term options by the Chicago Board Options Exchange, Inc.[6] That proposal received no comments, and the AMEX's proposal has received no comments during its abbreviated comment period. The approval of the rule change at this time will allow the AMEX to introduce long-term series index options at the October expiration and thereby provide competition in the market place for such long-term options.

IT IS THEREFORE ORDERED, pursuant to section 19(b)(2) of the Act,[7]

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1985).

[3] Letter from Howard A. Baker, Senior Vice President, American Stock Exchange to Joseph Furey, Option's Branch Chief, Division of Market Regulation, SEC, dated September 21, 1987.

[4] See AMEX Rule 958(b).

[5] 15 U.S.C. 78f (1982).

[6] *See* Securities Exchange Act Release No. 34–24853 (August 27, 1987), 52 FR 33486.

[7] 15 U.S.C. 78s(b)(2) (1982).

that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

Dated: October 16, 1987.

[FR Doc. 87-24744 Filed 10-23-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25044; File No. SR-BSE-87-2]

Self-Regulatory Organizations; Boston Stock Exchange; Order Granting Approval of Proposed Rule Changes

I. Introduction

On February 6, 1987, the Boston Stock Exchange ("BSE" or "Exchange") filed, pursuant to seciton 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), a proposal to amend its margin, capital and equity requirements for specialists. The proposal would increase minimum financial responsibility requirements for specialists, and would establish guidelines for taking remedial action for violations of those requirements.[1] The proposal was published for comment in the **Federal Register**, and no comments were received.[2] The Commission is issuing this order to approve the proposal.

II. Description of the Proposal

The BSE filing would amend (1) the Supplementary Material to Chapter VIII of the BSE Rules of the Board of Governors, concerning margin requirements for specialists, and (2) Chapter XXII, section 2 of the BSE Rules of the Board of Governors, concerning specialist net capital requirements.

A. Margin Provisions

The BSE requires, generally, that a specialist maintain a margin of 25% of market value of all securities in which he acts as specialist, and a margin of 50% for all other equity securities in his account.[3] The proposed amendments to the margin provisions would provide guidelines for remedial action to be taken by the Exchange and for the imposition of escalating fines in the event of repeated calls for margin deficiencies ("margin calls") in a specialist's account within a one month or calendar quarter period. Specifically, the BSE proposal provides that in the event of the third margin call within a one month period, the specialist would be required to meet with the Exchange's Market Surveillance and Compliance Department ("Exchange Staff") to review the problem and consider appropriate remedial action.[4] If the account has a fourth margin call within the month period a written warning will be issued, and at the fifth and sixth margin calls in that period the account will be fined $250, and $500, respectively. The proposal further provides that after receiving six margin calls in a calendar quarter period, a specialist will be fined $500 on any subsequent call. The proposal notes that any of the sanctions or remedial actions imposed by the Exchange Staff under these provisions may be appealed to the BSE's Market Performance Committee ("MPC"), and also that the MPC may take additional remedial action, such as suspending or terminating a specialist's trading or alternate account privileges. Finally, the proposal provides an exemption from the proposed sanctions for margin calls if the Exchange Staff, with the concurrence of a Floor Governor, determines that the margin deficiencies were incurred by the specialist as a result of fulfilling his market making responsibilities.

B. Net Capital and Minimum Equity Requirements

The BSE proposal also would increase the minimum net capital and equity requirements for BSE specialists, and would establish a schedule of remedial action and fines for repeated net capital violations.

Currently, the BSE requires that a specialist maintain a minimum net capital, as defined and computed under the Commission's Rule 15c3-1,[5] equal to the greater of $35,000 or 25% of the market value of 200 shares of each security in which that specialist is registered as a dealer. The proposal, in effect, would increase that net capital requirement by requiring that the specialist apply certain additional haircuts, *i.e.*, percentage reductions to the market value of a security held as principal, to securities in the specialist's account when computing net capital. First, the proposed amendment would require that whenever a single security issue in the specialist's account valued under $10 per share comprised more than 30% of the equity in the account, or when all securities in the account valued under $10 per share exceeded 50% of the specialist's equity, a haircut of 30% would be applied to that excess over 30% or 50% of equity, whichever results in the greater haircut.[6] In addition, the proposal sets forth certain other haircuts that must be applied to all other security positions in the specialist's account, in addition to those required by the net capital computation in Rule 15c3-1. For specialists that do not have public customers or an active trading account, a haircut of 10% on both long and short securities positions shall be applied. For those specialists with no public customers, but with an active trading account, a 30% haircut on the greater of the long or short position shall be applied.[7]

As with the margin requirements, the proposal also would establish guidelines for remedial action and for imposing sanctions for repeated violations of the net capital requirements by specialists. The proposal provides that an account must cure a net capital deficiency by the morning of the next business day, and if timely corrective action has not been taken, the Exchange Staff, after consultation with a Floor Governor, may require liquidation of positions or freezing of the account. The proposal also provides for an escalating scale of sanctions for a specialist's repeated net capital violations in a twelve-month period.[8] The Exchange Staff will have the discretion, however, with the concurrence of a Floor Governor, to exempt a specialist from these sanctions if the deficiency was incurred as a result of performance of specialist obligations during unusual market activity.

Finally, the BSE proposes to increase minimum equity requirements for its specialists in two stages. As of December 31, 1987, specialists will be required to increase their liquidating

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[8] 17 CFR 200.30-3(a)(12) (1986).

[1] On September 10, 1987, and October 19, 1987, the BSE filed amendments to the proposal to clarify the proposal in certain respects and to conform certain outdated provisions in its margin and capital rules to current regulatory requirements. These amendments were not noticed for comment.

[2] See Securities Exchange Act Release No. 24562 (June 5, 1987), 52 FR 22870 (SR-BSE-87-2).

[3] *See* Chapter VIII of the BSE Rules of the Board of Governors, Supplementary Material, Section 1.

[4] Assuming a margin call for a deficiency in the specialist's account is issued on Day 1 and each succeeding day the account continues to be under-margined constitutes a separate margin call, on Day 3 the remedial sanctions would apply.

[5] 17 CFR 240.15c3-1.

[6] The proposal states that a specialist may be exempt from the haircuts for low-priced securities, if those security positions were assumed in the course of the specialist's maintaining a fair and orderly market.

[7] If the smaller of the long or short position is greater than 25% of the larger position then the specialist shall be haircut an additional 15% on the difference between the two positions.

[8] These sanctions may be appealed to the MPC.

equity [9] from $80,000 to $100,000, and as of June 30, 1988, these equity requirements will be raised to $125,000. The equity levels below which a specialist would be required to supply additional equity or his securities would be reassigned would be raised as of December 31, 1987, to $90,000 and $85,000, respectively, and as of June 30, 1988, to $110,000, and $100,000, respectively.[10]

III. Discussion

The BSE, through its clearing corporation, the Boston Stock Exchange Clearing Corporation, finances the trading activity of its specialists. Therefore, the Exchange has a direct and substantial interest in the financial strenght and integrity of its specialists, which is relfected in its rules. The BSE, through these amendments to its margin and capital rules, is seeking to increase the financial responsbilitity of its specialists by: (1) Increasing net capital requirements by requiring certain additional securities haircuts in the net capital computation; (2) raising minimum equity requirements; and (3) establishing a system for remedial action and fines to assure compliance by specialists with the financial responsibility requirements. The BSE represents that the proposal is motivated largely by the planned implementation of the proposed Boston Exhange Automated Communication Order-Routing Network ("BEACON"), which will price and execute automatically orders up to 1,299 shares.[11] By increaing the specialist's minimum financial responsibility requirements, the BSE is attempting to assure that its specialists will have equity and capital sufficient to support their participation in the BEACON system. The BSE states in its filing that the proposal is consistent with section 6(b)(5) of the Act because it will facilitate transactions in securities, and reduce risk to public investors, member organizations and the Exchange.

The Commission believes that the BSE's proposal to increase the minimum net capital and equity requirements for its specialists and to establish guidelines for taking remedial action in instances of violations of those requirements and of its margin rules is desinged to improve the finacial integrity and liquidity of the BSE marketplace. As a result, the proposal, by assuring that specialists have capital sufficient to perform their market making responsibilities, would provide additional protection for the Exchange, other member organizations, and public investors.[12]

Accordingly, the Commission finds that the BSE proposal, as amended, is consistent with section 6 of the Act, and the rules thereunder applicable to the national securities exchanges.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the BSE rule proposal be approved.

For the Commission, by the Divison of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: October 20, 1987.

[FR Doc. 87-24692 Filed 10-23-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange; Application for Unlisted Trading Privileges in Over-the-Counter Issues and To Withdraw Unlisted Trading Privileges in Over-the-Counter Issues

October 20, 1987.

The Midwest Stock Exchange, Inc. ("MSE") on October 13, 1987, submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, *i.e.*, securities not registered under Section 12(b) of the Act:

File No.	Symbol	Issuer
7-0616	SUNW	Sun Microsystems, Inc. Common, $.0006 par value.
7-0617	NOBE	Nordstrom, Inc. Common, no par value.

The MSE also applied to withdraw UTP pursuant to section 12(f)(4) of the Act on the following OTC issues:

File No.	Symbol	Issuer
7-9493	SMED	Shared Medical Systems.
7-9478	DIGI	DSC Communications.

Comments

Interested persons are invited to submit on or before November 10, 1987, written comments, data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Commentators are requested to address whether they believe the requested withdrawal of UTP in Shared Medical Systems and DSC Communications would be consistent with section 12(f)(4) of the Act and whether the requested grant of UTP in Sun Microsystems, Inc. and Nordstrom, Inc. would be consistent with section 12(f)(1)(C). In considering an application for extension of UTP in OTC securities under section 12(f)(1)(C), the Commission is required to consider, among other matters, the public activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. The Commission may not grant such application if any rule of the national securities exchange making an application under section 12(f)(1)(C) would unreasonably impair the ability of any dealer to solicit or effect transactions in such security for his own account, or would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-24693 Filed 10-23-87; 8:45 am]

BILLING CODE 8010-01-M

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[9] Liquidating equity is deifned in the BSE rules as the excess of cash, readily marketable securities, and amount due from the registered clearing corporation over all liabilities other than those represented by a satisfactory subordination agreement. *See* Chapter XXII, Section 2(e) of the BSE Rules of the Board of Governors.

[10] The proposal also states that a specialist must maintain an additonal equity of $25,000 for any trading or alternate specialist account it may have. If this equity drops below the $25,000 amount, then any trading in the trading account and/or alternate specialist account must cease immediately.

[11] *See.* Securities Exchange Act Release No. 24690 (July 9, 1987), 52 FR 26612 (SR-BSE-87-1), which published notice of the BEACON proposal.

[12] The proposal, by providing for review by the MPC of the remedial sanctions imposed by the Exchange Staff or repreated marign and net cpaital violations, contains fair procedures for the disciplining of members consistent with section 6(b)(7) of the Act.

[Release No. 34-25046; File No. SR-NASD-87-34]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to an Amendment to Part V of Schedule D of the NASD By-Laws Reducing Fees for Non-Professionals

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 18, 1987, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD hereby files a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend the schedule of charges contained in Schedule D of the NASD By-Laws, Part V, section A(9)(a).[1] The amendatory language is as follows (deletions bracketed/additions italicized):

9. Non-Professional Services [2].

(a) The charge to be paid by non-professional subscribers for access to NASDAQ Level 1 Service [or] *and* NASDAQ/National Market System Last Sale Information Service through [the services of] an authorized vendor shall be [$6.00] *$4.00 per interrogation device per month.*[3]

[1] The Commission recently approved File No. SR-NASD-87-8 which effected a reorganization of Schedule D. *See* Release No. 34-24718 (July 20, 1987). The schedule of charges formerly in Part V of Schedule D (including those applicable to non-professionals) will now be found under Part IX of the reorganized Schedule D. Because the subsection for non-professional services has not yet been designated, the NASD has referenced this rule change according to the scheme existing immediately prior to the reorganization of Schedule D.

[2] Under Schedule D of the NASD By-Laws, formerly Part V, section A(9)(b), the term "non-professional" is defined respecting the application of this fee. Generally, the term encompasses entities that are not registered with the Securities and Exchange Commission, Commodity Futures Trading Commission, comperable state agencies or a securities exchange or association.

[3] The subject charge, like those applicable to professionals, is assessed per device. The words "per interrogation device" have been added to clarify this application of the fee.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to establish a reduced monthly fee of $4.00 per interrogation device for bundled Level 1 and NASDAQ/National Market System Last Sale Service provided to non-professional subscribers through vendors. Previously, the non-professional subscriber paid a monthly charge of $6.00 to receive either Level 1 or NASDAQ/NMS Last Sale Service, or a total of $12.00 per device for both services. The NASD expects that the instant fee reduction will expand the base of non-professionals opting to receive the bundled service consisting of Level 1 quotations and NASDAQ/NMS last sale data. Finally, this modification tracks parallel changes implemented with respect to Consolidated Tape Association and Consolidated Quote fees.

The NASD cites section 15A(b)(5) of the Act as the principal statutory basis for modifying the Association's non-professional fee structure. That provision holds the Association to a standard of reasonable fees equitably allocated in setting charges for its various market data services. The new monthly charge of $4.00 per device for combined Level 1/NASDAQ/NMS Last Sale Service constitutes a 33⅓% reduction from the monthly charge previously levied to receive only one of these data sources. It is anticipated that this reduction will stimulate demand for the combined Level 1 and NASDAQ/NMS Last Sale information among a broader base of non-professionals served by vendors of securities information. These non-professionals will automatically have access to both inside quotations and last sale data at a price 66⅔% below the previous aggregate price for these services. Hence, certain non-professionals will no longer have to choose between accessing inside quotes or last sale data in applying their limited resources for securities market data. In sum, the modified fee structure for non-professionals should enable more subscribers to obtain on-line access to expaned NASDAQ market data for a significantly lower price. Accordingly, the NASD believes that this proposed rule change satisfies the regulatory structures posed by section 15A(b)(5) of the Act.

Similarly, the Association relies upon section 11A(a)(1) of the Act as statutory support for the modified fee structure for non-professionals. Subsections (A) through (D) thereunder contain a series of Congressional findings respecting the goals of a national market system. These provisions emphasize the importance of technology in disseminating market information to virtually all categories of market participants. The NASD's modified fee structure for non-professionals fosters realization of that initiative by making more NASDAQ market data accessible on-line at a significantly lower cost. This is turn should stimulate use of this data by a greater number of non-professionals. This result is consistent with the policy goals articulated by the Congress in adopting section 11A(a)(1) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the reduced fee for non-professionals' access to Level 1 and NASDAQ/NMS last sale data will create no burden on competition. In particular, the NASD notes that this fee applies solely to non-professionals served by vendors of securities market data. To the extent that the modified fee structure stimulates demand for NASDAQ Level 1 and NASDAQ/NMS last sale information, there will be additional opportunities for vendors to serve non-professional subscribers. Under these circumstances, there is no issue of vendor access presented by this modified fee structure for non-professionals.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

The foregoing rule change has become effective pursuant to section

19(b)(3)(A)(ii) of the Act and subparagraph (e) of Rule 19b–4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission 450 5th Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room at the above address. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submission should refer to the file number in the caption above and should be submitted by November 16, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Jonathan G. Katz,

Secretary.

Dated: October 20, 1987.

[FR Doc. 87–24745 Filed 10–23–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending October 16, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 45199–R–1 & R–2

Parties: Members of International Air Transport Association
Date Filed: October 14, 1987
Subject: Revises So. Pacific-So. America promotional fares
Proposed Effective Date: November 1, 1987

Docket No. 45200

Parties: Members of International Air Transport Association
Date Filed: October 14, 1987
Subject: So. Pacific Fares
Proposed Effective Date: November 01, 1987

Docket No. 45201

Parties: Members of International Air Transport Association
Date Filed: October 14, 1987
Subject: Revise US-Europe Proportional Fares
Proposed Effective Date: November 1, 1987

Docket No. 45202

Parties: Members of International Air Transport Association
Date Filed: October 14, 1987
Subject: Revised US/CAN-ME/AFR Proportional Fares
Proposed Effective Date: November 1, 1987

Docket No. 45206

Parties: Members of International Air Transport Association
Date Filed: October 15, 1987
Subject: Cargo Rates Ex-Greece
Proposed Effective Date: November 16, 1987

Docket No. 45195

Parties: Members of International Air Transport Association
Date Filed: October 13, 1987
Subject: Approval of Amendment To The Provisions For the Conduct Of The IATA Traffic Conferences

Phyllis T. Kaylor,

Chief, Documentary Service Division.

[FR Doc. 87–24658 Filed 10–23–87; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended October 16, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et., seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 45196

Dated Filed: October 13, 1987
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 12, 1987.
Description: Application of Continental Airlines, Inc. Pursuant to Section 401 of the Act and Subpart Q of the Regulations requests a certificate of public convenience and necessity which will authorize Continental to provide foreign air transportation of persons, property and mail between Newark, New Jersey, on the one hand, and Merida, Cancun, and Cozumel, Mexico, on the other hand.

Docket No. 45204

Date filed: October 14, 1987
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: November 12, 1987.
Description: Application of Thai Airways International Limited pursuant to section 402 of the Act and Subpart Q of the Regulations requests an amendment of its foreign air carrier permit, issued by Order 80–9–74, by modifying Paragraph A of such certificate to read as follows: Between the terminal point Bangkok, Thailand via intermediate points across the Pacific to Guam, Honolulu, and Seattle, and the conterminal point Los Angeles, California, and one additional point in the United States, and beyond to points in Canada.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87–24657 Filed 10–23–87; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Flight Service Station at Port Columbus International Airport, Columbus, OH; Closing

Notice is hereby given that on September 30, 1987, the Flight Service Station at Columbus, Ohio was closed. Services to the general public of Columbus, Ohio Flight Plan Area, formerly provided by this office, are being provided by the New Automated Flight Service Station in Vandalia, Ohio. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Des Plaines, Illinois, on October 14, 1987.

William H. Pollard,

Director, Great Lakes Region.

[FR Doc. 87-24669 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-13-M

Flight Service Station at Detroit City Airport, Detroit, MI; Closing

Notice is hereby given that on September 30, 1987, the Flight Service Station at Detroit, Michigan was closed. Services to the general public of Detroit, Michigan Flight Plan Area, formerly provided by this office, are being provided by the New Automated Flight Service Station in Lansing, Michigan. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Illinois, on October 14, 1987.

William H. Pollard,

Director, Great Lakes Region.

[FR Doc. 87-24670 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-13-M

Flight Service Station at Grand Forks-Mark Andrews International Airport, Grand Forks, ND; Closing

Notice is hereby given that on or about August 4, 1987, the Flight Service Station at Grand Forks, North Dakota was closed. Services to the general public of Grand Forks, North Dakota Flight Plan Area, formerly provided by this office, are being provided by the New Automated Flight Service Station in Grand Forks, North Dakota. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Illinois, on October 14, 1987.

William H. Pollard,

Director, Great Lakes Region.

[FR Doc. 87-24671 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-13-M

Flight Service Station at Huron Regional Airport, Huron, SD; Closing

Notice is hereby given that on September 23, 1987, the Flight Service Station at Huron, South Dakota was closed. Services to the general public of Huron, South Dakota Flight Plan Area, formerly provided by this office, are being provided by the New Automated Flight Service Station in Huron, South Dakota. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Illinois, on October 14, 1987.

William H. Pollard,

Director, Great Lakes Region.

[FR Doc. 87-24672 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-13-M

Flight Service Station at Indianapolis International Airport, Indianapolis, IN; Closing

Notice is hereby given that on September 15, 1987, the Flight Service Station at Indianapolis, Indiana was closed. Services to the general public of Indianapolis, Indiana Flight Plan Area, formerly provided by this office, are being provided by the New Automated Flight Service Station in Terre Haute, Indiana. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Des Plaines, Illinois, on October 14, 1987.

William H. Pollard,

Director, Great Lakes Region.

[FR Doc. 87-24673 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Clark County, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental Impact statement will be prepared for a proposed highway project in Clark County, Washington.

FOR FURTHER INFORMATION CONTACT: P.C. Gregson, Division Administrator, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, WA 98501, Telephone: (206) 753-2120; or E. W. Ferguson, District Administator, Washington State Department of Transportation, 4200 Main Street, P.O. Box 1709, Vancouver, WA 98668, Telephone: (206) 696-6461.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve Interstate Route 5 (I-5) in Clark County, Washington. The proposed improvement would involve the reconstruction of the existing I-5 between Main Street in the City of Vancouver and I-205 about 5 miles to the north. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

The proposed project will widen I-5 from four lanes to six through lanes, construct a new interchange with N.E. 99th Street, link all on and off ramps between the Main Street and 99th Street Interchanges with auxiliary lanes, improve existing interchanges, widen or replace all existing bridges and overpasses to accommodate roadway widening, repave roadway surfaces and upgrade drainage, signing, pavement markings and safety devices.

Alternatives under consideration include: (1) Do nothing.

(2) Widen SR 5 and improve existing interchanges only. This alternative would not construct a new interchange at NE 99th Street.

(3) Implement a Transportation System Management Program (TSM). This program would include ramp metering, designation of High Occupancy Vehicle (HOV) lanes, and construction of additional park and ride facilities. Improved public transit service would accompany the park and ride options.

The build alternatives will take into consideration design variations in grade and alignment, and optional interchange configurations.

In June of 1986, a description of the proposed project was circulated to 20 local, state and federal agencies with jurisdiction, expertise and/or interests in the project area. These agencies were asked to review and comment on the proposed project and identify any issues they thought should be specifically addressed in an environmental assessment.

On October 1, 1986, the Washington State Department of Transportation (WSDOT) and the Intergovernmental Resource Center (IRC) of Clark County held an informal public meeting on the proposed improvements. The public information meeting was broadly advertised in local newspapers, over radio, and via printed flyers circulated throughout the project area.

During this scoping process the definition of the proposed project was refined and important issues and significant impacts were identified. Environmental documentation is therefore being upgraded from an assessment to a full impact statement.

Informal meetings will be held before the end of the year to notify the public of this change. In addition, a public hearing will be held after the Draft EIS

is issued. Public notice will be given of the time and place of the meetings and hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or WSDOT at the address provided above.

(Catalog Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 16, 1987.

Gary S. Hughes,

District Engineer, Olympia, Washington.

[FR Doc. 87-24688 Filed 10-23-87; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA General Docket No. H-87-3]

Petition for Exemption or Waiver for Test Program; CSX Transportation, Inc., and RoadRailer

In accordance with 49 CFR 211.9, 211.41, and 211.51 and relevant statutory provisions, including 45 U.S.C. 1-16, 431(c), 437 and 1013, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for an exemption from or waiver of compliance with certain requirements of the Federal railroad safety laws and regulations, in order to conduct a test program. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. Any interested party desiring an opportunity for oral comment should notify FRA, in writing, before the end of the comment period and specify the basis for his or her request.

All communications concerning these proceedings should identify the appropriate docket number (here, FRA General Docket Number H-87-3) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received before November 30, 1987, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The individual petition seeking an examination from or waiver of compliance is as follows:

CSX Transportation, Inc., and RoadRailer Test Program

[FRA General Docket Number H-87-3]

CSX Transportation, Inc., and RoadRailer (a manufacturer of intermodal, rail-highway equipment, formerly named "Bi-Modal Corporation") have jointly submitted a request to FRA for waivers of compliance with certain provisions of the Safety Appliance Standards (49 CFR Part 231), the regulations entitled "Railroad Power Brakes and Drawbars" (49 CFR Part 232), and the Safety Appliance Acts (45 U.S.C. 1-16). The petitioners seek these waivers in order to conduct a test program and a vehicle manufactured by RoadRailer called the "RoadRailer Mark V."

The RoadRailer Mark V concept uses modified highway vehicles which are connected to separable adapter/rail trucks. The RoadRailer Mark V vehicles basically consist of a couplable, train capable trailer or container chassis unit, carried on a specially adapted two-axle rail truck which is separable from the trailer or container chassis unit so that the rail truck does not go with the vehicle on the highway. Mark V container chassis units would be used in the test program. See Appendix A. The specially adapted rail truck is called "the RoadRailer Mark V Rail Bogie." See Appendix B.

The petitioners request a waiver of requirements for handholds, ladders, crossover platforms, sill steps, uncoupling levers and handbrakes (49 CFR Part 231), because these safety appliances would cause the vehicles to exceed the legal dimensions for highway vehicles. The petitioners assert that the absence of safety appliances would not reduce safety because safety appliances are not of practical operating use. In particular all RoadRailer Mark V requipment requiring operator attention is accessible from ground level; the coupling/uncoupling mechanism is operated from either side of the rail trucks; a spring-actuated parking brake is provided and personnel are not required to go between units.

The petitioners also request a waiver of the regulation on maximum coupler height (49 CFR 232.2). The Mark V coupler system is a slack-free, pin-connected, tongue-and-pocket arrangement. For structural reasons and because the integral coupler tongue must pass over the highway tractor fifth wheel, the Mark V coupler height is 49¾ inches above the top of rail. The petitioners assert that a waiver of the standard maximum coupler height of 34½ inches would not compromise safety because the coupler system is completely incompatible with standard Association of American Railroads couplers, and the units would not operate in interchange service.

FRA has substantial experience with other vehicles manufactured by RoadRailer that are similar to the RoadRailer Mark V. Since 1979, earlier model RoadRailer vehicles similar to the Mark V have been permitted to operate in an FRA-sanctioned test program, under conditional waivers of the same regulations. See 44 FR 5545, 25552-2554. In these earlier RoadRailer vehicles, the rail trucks were not detachable from the trailer. Early in 1987, FRA received petitions on behalf of several railroads, including CSX Transportation, Inc., seeking waivers of the same regulations in order to operate RoadRailer vehicles virtually identical, for FRA purposes, to these earlier RoadRailer vehicles in the old, existing test program. Based on this test program data, FRA granted waivers for these units, subject to the same terms and conditions imposed under the test program. See 52 FR 16325-16327, May 4, 1987. These terms and conditions included prohibitions on (i) the commingling of RoadRailer vehicles with traditional freight or passenger cars and (ii) the use of RoadRailer vehicles to transport commodities subject to the Hazardous Materials Regulations that require placards under Subpart C of Part 174.

The petitioners propose an initial test program that differs from the old RoadRailer test program in that Mark V RoadRailers would be commingled in the same train with conventional railroad rolling equipment. In particular, the RoadRailer Mark V units would be used "in revenue service as a block of like units behind a block of more conventional container-carrying cars. To minimize the slack action, the conventional units will be restricted to multiple section articulated cars in which 5 platforms (or sections) are connected with slack-free articulating joints and only have serviceable knuckle couplers at the ends of the 5 platform units." Based on "computer analysis of

the train dynamics," the petitioners propose running trains consisting of up to 15 Mark V RoadRailer units coupled by means of an adapter interface car at the rear of up to 20 conventional, 5 platform, double stack container cars.

The trains would be operated by petitioner CSX Transportation, Inc. Routing would be east from Chicago on the tracks of the Belt Railway Company of Chicago to Pine Junction, Indiana; CSX Transportation mainline from Pine Junction to New Castle, Pennsylvania; the former Baltimore and Ohio Railroad Company from New Castle to Buffalo, New York; and return in reverse order. One round trip per week would be scheduled, at a maximum speed of 65 mph. The initial test is proposed to begin about December 1, 1987, and run for a test period of approximately one year. Periodic service reports would be required to be submitted to FRA.

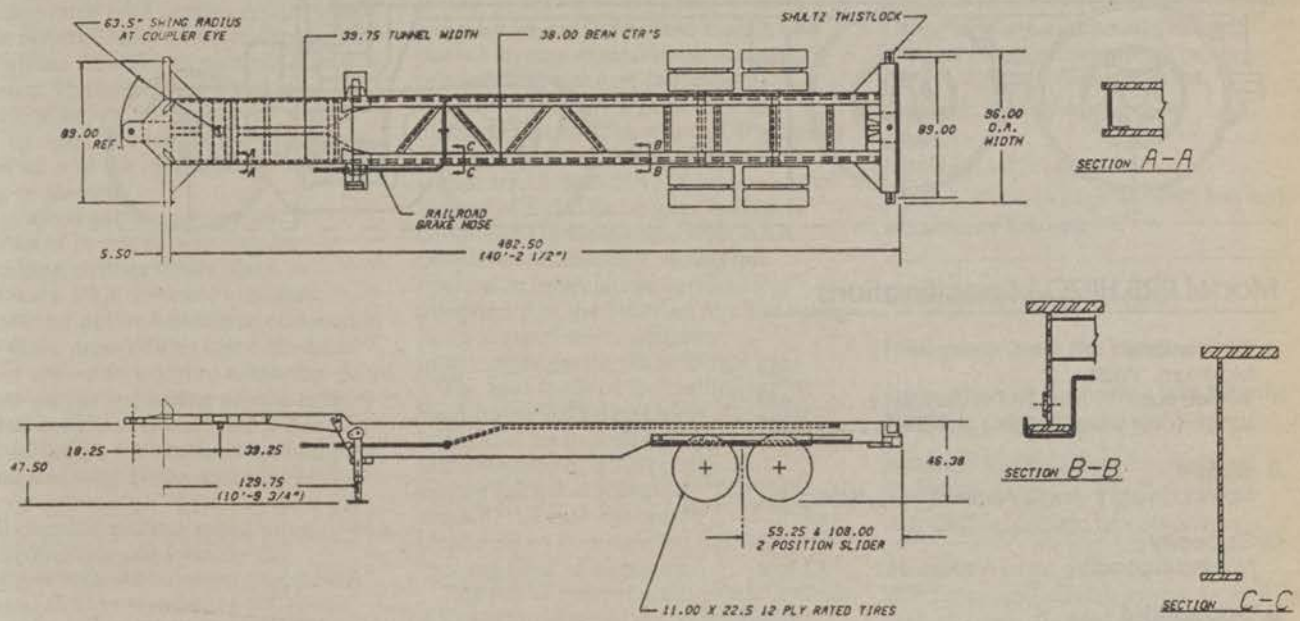
Issued in Washington, DC, on October 19, 1987.

J.W. Walsh,

Associate Administrator for Safety.

BILLING CODE 4910-06-M

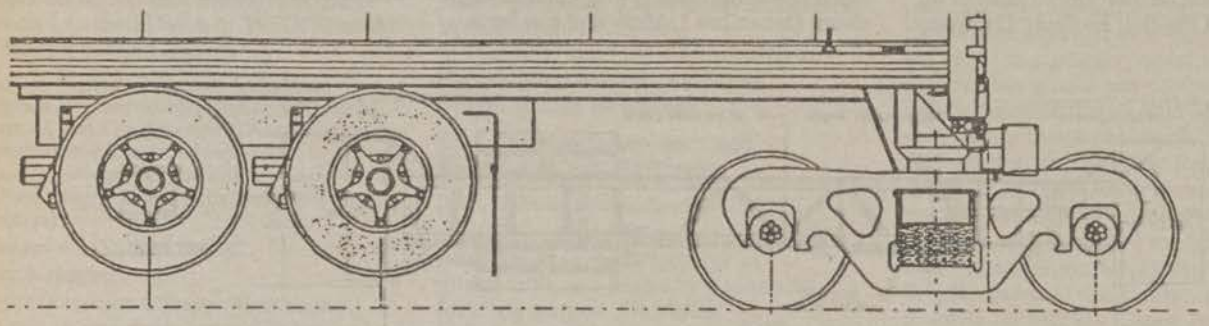
Appendix A



Appendix B

The RoadRailer® System

MARK V™ High Performance Rail Bogie



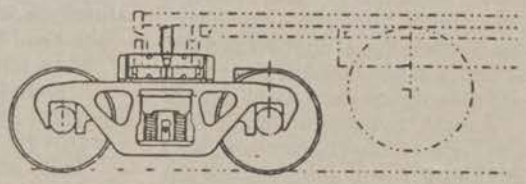
Model RRB HP70-1 Specifications

A. Dimensions
- Maximum Width ..... 96"
- Wheel Base ..... 68"
- Length (over wheel flanges) ..... 103"

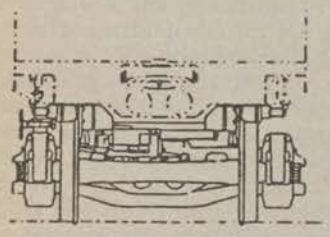
B. Weight
- Nominal Weight - Bogie Assembly ..... 11,000 lbs.

C. Capacity
- Nominal Capacity ..... 70 Tons

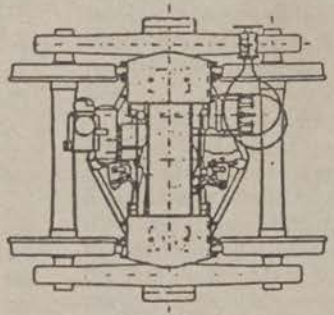
D. Capabilities
- Maximum Operating Speed ..... 80 mph



SIDE VIEW



REAR VIEW



TOP VIEW

RoadRailer®

The new generation in transportation.

[FR Doc. 87-24746 Filed 10-23-87; 8:45 am]
BILLING CODE 4910-06-C

[FRA General Docket No. H-87-4]

Petition for Exemption of Waiver of Compliance; Union Pacific Railroad Co.

In accordance with 49 CFR 211.9, 211.41, and 211.51 and relevant statutory provisions, including 45 U.S.C. 1–16, 431(c), 437 and 1013, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for an exemption from or waiver of compliance with certain requirements of the Federal railroad safety laws and regulations, in order to conduct a test program. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate sheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. Any interested party desiring an opportunity for oral comment should notify FRA, in writing, before the end of the comment period and specify the basis for his or her request.

All communciations concerning these proceedings should identify the appropriate docket number (here, FRA General Docket Number H–87–4) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received before November 30, 1987, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The individual petition seeking an exemption from or waiver of compliance is as follows:

Union Pacific Railroad Co.

Waiver Petition Number H–87–4

Union Pacific Railroad Company (UP) seeks waivers of compliance with certain provisions of (49 CFR Part 231) Safety Appliance Standards and Part 232 Railroad Power Brakes and Drawbars for a test program with the RoadRailer Mark V. The RoadRailer Mark V concept uses modified highway vehicles which are connected on separable adapter/rail trucks. For this test program, the vehicles are specially designed highway trailers. All equipment requiring operator attention is accessible from ground level; the coupling/uncoupling mechanism is operated from either side of the trucks; a spring actuated parking brake is provided and personnel are not required to go between units.

UP requests a waiver for requirements for handholds, ladders, crossover platforms, sill steps and uncoupling levers. In addition, the Mark V system is a slack-free pin connected tongue and pocket arrangement. For structural reasons and because the integral coupler tongue must pass over the highway tractor fifth wheel, UP requests a waiver of coupler height from 34½ inches to a height of 49.75 inches above the top of rail. The coupler system is completely incompatible with AAR couplers and the units would not operate in interchange service. It is intended that the vehicles operate solely in an integral train, without intermingling with other freight cars.

The rear truck of the trailing car in such trains would not have operative brakes, so as to prevent light-car wheel-slide condition, which could occur during full service braking. The front truck of the rear car would have brakes providing a maximum net lightweight braking ratio of 33 percent.

The initial test program would include a limited number of units, gradually building up to a 100-car train. Service would be between Chicago, Illinois, and Mesquite, Texas, at a maximum speed of 70 mph, starting December 1, 1987, for a test period of approximately 1 year. There would be one train daily 5 days a week from Chicago and one train daily 5 days a week from Mesquite. Trains would operate by way of Salem, Illinois, Poplar Bluffs, Missouri and Texarkana, Texas.

Issued in Washington, DC, on October 19, 1987.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 87–24747 Filed 10–23–87; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center; Advisory Committee Meeting

AGENCY: Advisory Committee to the National Center for State and Local Law Enforcement Training, Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: The agenda for this meeting includes opening remarks by the Director of the Federal Law Enforcement Training Center and Committee CoChairs, Subcommittee Report on the S/L Law Enforcement Training Needs Assessment Survey, and Program Development Activities.

DATE: November 19, 1987.

ADDRESS: Federal Law Enforcement Training Center, Building 67, Conference Room, Glynco, Georgia.

FOR FURTHER INFORMATION CONTACT: Howard N. Goetsch, Assistant Director, Office of State and Local Training, Federal Law Enforcement Training Center, Glynco, Georgia 31524.

Charles F. Rinkevich,

Director.

October 8, 1987.

[FR Doc. 87–24309 Filed 10–23–87; 8:45 am]

BILLING CODE 4810–32–M

Internal Revenue Service

[Delegation Order No. 113 (Rev. 12)]

Delegation of Authority; Mid Atlantic Region

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: In an effort to increase efficiency and effectiveness, as well as cost savings, the Mid Atlantic Region has realigned from two key districts to one key district in Baltimore. This new alignment was effective October 1, 1987. The complete text of the delegation order appears below.

EFFECTIVE DATE: October 28, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas W. Lewald, OP:E:O:D, 1111 Constitution Avenue NW., Room 2237, Washington DC 20224, Telephone No. (202) 566–6222 (not a toll free telephone number).

Richard A. Westley,

Chief, Employee Plans and Exempt Organizations, Determination Branch.

Order No. 113 (Rev. 12)

Authority To Issue Exempt Organization Determination Letters

Effective date: 10–28–87

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–10 and the provisions of 26 CFR 1.503(a)–1, authority with respect to issuance of determination letters pertaining to the exempt status of organizations under section 501(a) and related matters is delegated as follows:

1. The District Director of each Employee Plans and the Exempt Organizations key district listed in 4. below is authorized to:

(a) Issue determination letters, except as noted in section 2, below, with respect to exemption from Federal income tax under sections 501 and 521; status under IRC 120, 170(c)(2), 507 508, 509, 4942(j)(3), 4947, 4948, and 6033 withholding of information from public inspection under IRC 6104(a)(1)(D); imposition of tax under IRC 11, 511 through 514, 527(f), 641, 1381, and Chapters 41 and 42; provided the requests present questions the answers to which are clear from an application of the provisions of the statute. Treasury decisions or regulations, or by a ruling, opinion, or court decision published in the Internal Revenue Bulletin, and

(b) Issue modifications or revocations of rulings or determination letters described above in accordance with currently applicable appeal procedures, and

(c) Determine that any trust described in section 501(c)(17) or 501(c)(18) has engaged in a prohibited transaction and to notify such entity in writing of the revocation of exemption and of the requalification for exemption after the trust establishes that it will not knowingly again engage in a prohibited transaction and that it also satisfies all other requirements under section 501(c)(17) of 501(c)(18), and

(d) Redelegate this authority but not below Exempt Organizations Specialist, Grade GS–12 (other than the originator) and not below Chief, Employee Plans and Exempt Organizations Division with respect to adverse modifications or revocations of such letters.

2. In each region, the Regional Counsel, the Chief and Associate Chief, Appeals Office are authorized to issue final determination letters on appeals from proposed adverse determinations and proposed revocations issued by key district offices under this delegation. This authority may not be redelegated.

3. The Assistant Commissioner (Employee Plans and Exempt Organizations), with the concurrence of the Chief Counsel, is authorized to require preissuance review of specific types of final adverse determinations of issues described in IRC 7428(a)(1).

4. In each region, the following Employee Plans and Exempt Organizations key districts are responsible for employee plans and exempt organizations matters:

Key Districts	IRS District Covered
	CENTRAL REGION
Cincinnati	Cincinnati, Cleveland, Detroit, Indianapolis, Louisville, and Parkersburg
	MID-ATLANTIC REGION
Baltimore	Baltimore (which includes the District of Columbia and the Office of the Assistant Commissioner (International)), Pittsburgh, Richmond, Newark, Philadelphia, and Wilmington
	MIDWEST REGION
Chicago	Aberdeen, Chicago, Des Moines, Fargo, Helena, Milwaukee, Omaha, St. Louis, St. Paul and Springfield
	NORTH-ATLANTIC REGION
Brooklyn	Albany, Augusta, Boston, Brooklyn, Buffalo, Burlington, Hartford, Manhattan, Portsmouth, and Providence
	SOUTHEAST REGION
Atlanta	Atlanta, Birmingham, Columbia, Fort Lauderdale, Greensboro, Jackson, Jacksonville, Little Rock, New Orleans and Nashville
	SOUTHWEST REGION
Dallas	Albuquerque, Austin, Cheyenne, Dallas, Denver, Houston, Oklahoma City, Phoenix, Salt Lake City and Wichita
	WESTERN REGION
Los Angeles	Honolulu, Laguna Niguel, Los Angeles, Reno, Sacramento, San Jose, San Francisco, Anchorage, Boise, Portland, and Seattle

5. To the extent that authority previously exercised consistent with this Order may require ratification, it is hereby affirmed and ratified.

Delegation Order No. 113 (Rev. 11) effective January 12, 1987, is hereby superseded.

Date: October 19, 1987.

Charles H. Brennan,

Deputy Commissioner (Operations).

[FR Doc. 87–24702 Filed 10–23–87; 8:45 am]

BILLING CODE 4830–01–M

Performance Review Board; Membership

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

DATE: Performance Review Board effective October 1, 1987.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, HR:H:E, Room 3515, 1111 Constitution Avenue NW., Washington, DC 20224, Telephone No. (202) 566–4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for senior executives in the office of the Assistant Commissioner (Inspection) are as follows:

Michael J. Murphy, Senior Deputy Commissioner, Chairperson
Michael Hill, Inspector General, Department of the Treasury
Jean Owens, Deputy Chief Counsel

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

Lawerence B. Gibbs,

Commissioner.

[FR Doc. 87–24703 Filed 10–23–87; 8:45 am]

BILLING CODE 4830–01–M

Performance Review Board; Membership

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

DATE: Performance Review Board effective October 1, 1987.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, HR:H:E, Room 3515, 1111 Constitution Avenue NW., Washington, DC 20224, Telephone No. (202) 566–4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for Assistant Commissioners, Regional Commissioners and senior executives in the office of the Commissioner are as follows:

Charles H. Brennan, Deputy Commissioner (Operations)
John L. Wedick, Jr., Deputy Commissioner (Planning and Resources)
John M. Rankin, Jr., Assistant Commissioner (Inspection)
Peter K. Scott, Deputy Chief Counsel

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

Lawrence B. Gibbs,

Commissioner.

[FR Doc. 87–24704 Filed 10–23–87; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: October 21, 1987.

By direction of the Administrator.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Extension

1. Department of Medicine and Surgery.

2. Shop Data Sheet (Artifical Limbs).

3. VA Form 10–2793

4. This information is needed for compliance with contractual requirements to ensure that contractors' facilities are capable of providing finished prosthetics and that patient's special needs are met with the least discomfort.

5. On occasion.

6. Small businesses or organizations.

7. 35 responses.

8. 12 hours.

9. Not applicable.

[FR Doc. 87–24713 Filed 10–23–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 206

Monday, October 26, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time) Tuesday, November 3, 1987.

PLACE: Clarence M. Mitchell, Jr., Conference Room, No. 200–C, on the Second Floor of the Columbia Plaza Building, 2401 E Street, NW., Washington, DC 20507.

STATUS: Part of the Meeting will be Open to the Public and Part will be Closed to the Public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Proposed Pension Rulemaking Under section 4(i) of the Age Discrimination in Employment Act

Closed Session

1. Agency Adjudication and Determination on the Record of Federal Agency Discrimination Complaint Appeals
2. Litigation Authorization: General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 634–6748 at all times for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Acting; Executive Officer on (202) 634–6748.

Cynthia Clark Matthews,

Executive Officer (Acting), Executive Secretariat.

This Notice Issued October 21, 1987,

[FR Doc. 87–24802 Filed 10–22–87; 1:16 pm]

BILLING CODE 6750–06–M

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on October 27, 1987, from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: David A. Hill, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703–883–4010).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Farm Credit Administration Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

1. Summary Prior Approval Items;

[1] 2. Certification Under section 4.28(J) of the Farm Credit Act of 1971, as amended; and

[1] 3. Examination and Enforcement Matters.

Dated: October 21, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87–24716 Filed 10–21–87; 5:05 am]

BILLING CODE 6705–01–M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, November 4, 1987.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of October, 1987.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523–5920.

Date of notice: October 20, 1987.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 87–24794 Filed 10–22–87; 1:10 pm]

BILLING CODE 7550–01–M

Corrections

Federal Register
Vol. 52, No. 206
Monday, October 26, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendment; Public Reference Rooms Available

Correction

In rule document 87-24080 beginning on page 38764 in the issue of Monday, October 19, 1987, make the following correction:

PART 0—[CORRECTED]

§ 0.455 [Corrected]

On page 38765, in the second column, in § 0.455(b)(2), in the first line, "Annual" should read "Monthly".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[BPO-070-GNC]

Medicare Program; Criteria and Standards for Evaluating Intermediary and Carrier Performance During Fiscal Year 1988

Correction

In notice document 87-23231 beginning on page 37526 in the issue of Wednesday, October 7, 1987, make the following corrections:

1. On page 37526, in the third column, under **ADDRESSES**, in the sixth line, add the ZIP Code "21207."

2. On page 37528, in the third column, under *3. Auditing Criterion,* in the first bulleted paragraph, in the third line, add an open parenthesis before "Cost)."

3. On page 37529, in the first column, under *6. Financial Management Criterion,* in the first bulleted paragraph, in the second line, "trust" should read "protect."

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-10-AD; Amdt. 39-4913]

Airworthiness Directives; Boeing Model 747 Series Airplanes

Correction

In rule document 84-24459 beginning on page 36365 in the issue of Monday, September 17, 1984, make the following correction:

On page 36365, in the third column, in the first line, "have been modified" should read "have not been modified."

BILLING CODE 1505-01-D

federal register

Monday
October 26, 1987

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the October 1987 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6993.

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INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

About the Unified Agenda

The **Unified Agenda of Federal Regulations** is compiled by the Regulatory Information Service Center for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing President Reagan's Executive Orders 12291 (Federal Regulation) and 12498 (Regulatory Planning). Under EO 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Agenda differ in several ways. The Unified Agenda includes more regulatory actions because it covers all Federal agencies that issue regulations and includes almost all the rulemakings under development of each. This year's Regulatory Program covers only 26 of the major Federal regulatory agencies, and includes only the most significant of

all the regulatory actions that each agency plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

Most of the regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 54 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. The Advisory Council on Historic Preservation, Council on Environmental Quality, and the National Capitol Planning Commission usually publish a regulatory agenda, but have nothing to report for this edition of the Unified Agenda, while the U.S. Commission on Civil Rights is included for the first time. Agencies of the United States Congress are not included.

The Unified Agenda is produced through a computer system designed by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

The Agenda contains a Subject Index to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, we provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, abstract, legal deadline, timetable, small business effects, and agency contact. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

Dated: October 1, 1987.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register.** The Parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and include Advance Notices of Proposed Rulemaking and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

OMB Bulletin 87-16 states that entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry that appears when:
  a. The action was included in the **Regulatory Program of the United States Government** for the 1987 program year, or
  b. The agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (U.S.C.) or Public Law (PL) or the Executive order that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to U.S.C. or PL references).
- CFR Citation -- the section(s) of the Code of Federal Regulations that affect or will be affected by the action.
- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.
- Legal Deadline -- an indication of whether the rule is subject to a

statutory or judicial deadline and, if so, the date of that deadline.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/87 means the agency can predict the month and year the action will take place, but not the date it will occur.
- Effects on Small Businesses and Other Small Entities -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of August 27, 1987, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area of Federal regulatory law. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register.**

EO -- An Executive order is a directive from the President to an executive agency, issued under Constitutional or statutory authority. Executive orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents required by statute to be published.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:
- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the seventeenth public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of EO 12291, namely that it:
- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulatory Information Service Center assigns a Regulation Identifier Number to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

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federal register

Monday
October 26, 1987

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; Fall 1987

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions; but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESSES: Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 120-E, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1272.

Dated: August 28, 1987.

David R. Hoyt,

Chief, Regulatory & Legislative Staff.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	Fees for Service for Voluntary and Mandatory Programs	0581-AA19

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2	Mohair Standards	0581-AA06
3	Wool Standards	0581-AA12

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
5	National Average Loan Rates for 1987-Crop Quota and Additional Peanuts	0560-AA61
6	1987-Crop Honey Price Support Program	0560-AA73
7	1988 Rice Program	0560-AA90
8	1987 Soybean Loan Program	0560-AA95
9	1988 Extra Long Staple (ELS) Cotton Program	0560-AA99
10	1988-Crop Honey Price Support Program	0560-AB04
11	1988 Wool and Mohair Program	0560-AB05
12	1988-Crop Marketing Quotas and Acreage Allotments for Minor Kinds of Tobacco	0560-AB07
13	1988-Crop Peanut Price Support Program Differentials	0560-AB08
14	1988 Price Support Levels for Six Kinds of Tobacco	0560-AB12
15	1989-Crop Peanuts National Poundage Quota	0560-AB13
16	1989 Wheat Program	0560-AB14
17	1989 Feed Grain Program	0560-AB15
18	1989 Upland Cotton Program	0560-AB16
19	Common Program Provisions for the 1989 Wheat, Feed Grain, Cotton and Rice Programs	0560-AB17
20	1988 Soybean Loan Program	0560-AB18
21	CCC Cotton Loan Program Regulations--Settlement, Fraud, and Conversion Provisions	0560-AB22
22	General Regulations Governing Price Support of 1986 and Subsequent Crops of Grain	0560-AB23

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Agricultural Stabilization and Conservation Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
23	1989 Extra Long Staple (ELS) Cotton Program	0560-AB25

Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
24	1987 Feed Grain Program	0560-AA59
25	1987 Extra Long Staple (ELS) Cotton Program	0560-AA60
26	1987 Upland Cotton Program	0560-AA64
27	1987 Rice Program	0560-AA72
28	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
29	1987-Crop Peanuts National Poundage Quota	0560-AA79
30	1987 Wheat Program	0560-AA82
31	Highly Erodible Land and Wetland Conservation Programs	0560-AA88
32	Common Program Provisions for the 1988 Wheat, Feed Grains, Cotton and Rice Programs	0560-AA89
33	1988 Wheat Program	0560-AA91
34	1988 Feed Grain Program	0560-AA92
35	1988 Upland Cotton Program	0560-AA93
36	Common Program Provisions for the 1987 Wheat, Feed Grains, Cotton and Rice Programs	0560-AA94
37	1987 Price Support Levels for Six Kinds of Tobacco	0560-AA97
38	1988-Crop Flue-Cured Tobacco Marketing Quotas	0560-AA98
39	1987-Crop Sugar Beets and Sugarcane Price Support Loan Rates	0560-AB01
40	Milk Price Support Level, Calendar Year 1988	0560-AB02
41	Milk Price Support Level, October 1, 1987, through December 31, 1990	0560-AB03
42	1988-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB06
43	1988-Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB19
44	1989 Wool and Mohair Program	0560-AB20
45	1988 CCC Cotton Loan Program Regulations--Bale Packaging Materials	0560-AB21
46	Waiver of Standards for Approved Warehouses	0560-AB24

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
47	1987 Wool and Mohair Program	0560-AA65
48	1987-Crop Flue-Cured Tobacco Marketing Quotas and Price Support Level	0560-AA67
49	1987-Crop Burley Tobacco Marketing Quotas and Price Support Levels	0560-AA68
50	Regulations for Procurement of Processed Agricultural Commodities for Donations Under Title II, P.L. 480	0560-AA96
51	1987-88 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas	0560-AB09
52	1987 CCC Cotton Loan Program Regulations	0560-AB10
53	Notice of 1987-88 Application and Inspection Fees Under the 1987 Uniform Grain and Rice Storage Agreement	0560-AB11

Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
54	Animal Welfare Regulations; Standards	0579-AA20

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Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
55	Importation of Fruits and Vegetables Under Assured Certification Agreements	0579-AA17
56	Swine Identification	0579-AA19

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
57	Animal Welfare; Definition of Terms and Regulations	0579-AA18

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
58	Revision of 7 CFR 319.56 - Fruits and Vegetables	0579-AA12
59	Gypsy Moth - Outdoor Household Articles	0579-AA15
60	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pests	0579-AA16

Cooperative State Research Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
61	Guidelines for Biotechnology Research	0524-AA00

Farmers Home Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
62	Security Servicing for Multiple Housing Loans	0575-AA38
63	Servicing and Collections Non Program (NP) Loans	0575-AA39
64	Analyzing Credit Needs and Graduation of Borrowers	0575-AA40
65	Complaints and Compensation for Construction Defects	0575-AA41
66	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA42
67	Rural Development Loan Fund Relending Program	0575-AA43
68	Supplemental Requirements for Making Section 502 RH Loans for Manufactured Homes	0575-AA46

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
69	Suspension and Debarment Regulations	0575-AA02
70	Recapture of Section 502 Rural Housing Subsidy	0575-AA29
71	Self-Help Technical Assistance Grants	0575-AA34
72	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA35
73	Planning and Performing Construction and Other Development	0575-AA36

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Farmers Home Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
74	Section 504 Rural Housing Loans and Grants	0575-AA37
75	Debt Settlement - Community and Business Programs	0575-AA44
76	Distressed Former Continuation Amendments to FmHA Farmer Program Loan Making, Supervision and Servicing Regulations	0575-AA45

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
77	Restricting Insured and Guaranteed Farm Ownership and Operating Loans when Surplus Items Exist	0575-AA12
78	FmHA Guarantees of Commercial Lender's Farm Ownership (FO) and Operating Loans (OL) with Accompanying Lender Principal Write Down and/or Interest Rate Reduction	0575-AA22
79	Changes to the FmHA Farmer Program Loan Making, Supervision and Servicing Regulations to Implement the Applicable Provisions of the "Food Security Act of 1985"	0575-AA23
80	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA24
81	General Revision of Farmer Program Regulations	0575-AA27
82	Rural Rental Housing Policies, Procedures and Authorizations	0575-AA28

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
83	Strengthening the FmHA Business and Industrial Guaranteed Loan Program	0575-AA17
84	Planning and Performing Construction and Other Development	0575-AA21
85	Implement New Regulation Concerning Referral to Collection Agencies	0575-AA26
86	Revisions of Procedure Regarding Prepayment of Multi-Family Housing Loans	0575-AA30

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
87	Waiver Simplification: Food Stamp Program	0584-AA02
88	Food Distribution Program on Indian Reservations	0584-AA09

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
89	Issuance Loss Liability: Food Stamp Program	0584-AA05
90	Food Distribution Program	0584-AA07
91	Emergency Food Assistance for Victims of Disasters	0584-AA24
92	Administrative Review Process and Quality Control Arbitration Procedures: Food Stamp Program	0584-AA46
93	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
94	Simplified Application and Standardized Benefits: Food Stamp Program	0584-AA62
95	Administration/Management: Food Stamp Program	0584-AA63
96	Special Supplemental Food Program for Women, Infants and Children: Administrative Funding Formula	0584-AA70

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Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
97	Reimbursing Workfare's Administrative Costs: Food Stamp Program	0584-AA20
98	Forfeiture - Food Stamp Program	0584-AA40
99	Quality Control System: Food Stamp Program	0584-AA64
100	Retailer/Wholesaler Provisions: Food Stamp Program	0584-AA67
101	Special Supplemental Food Program for Women, Infants, and Children: Funding Formula	0584-AA69

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
102	Administrative Regulations	0583-AA02
103	Transportation	0583-AA19
104	Eligibility of Foreign Countries for Importation of Products into the United States	0583-AA55

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
105	Swine Identification at Official Slaughtering Establishments	0583-AA25
106	Various Amendments to Accommodate Inspection of Meat Food Products Under Title IV of the Futures Trading Act of 1986	0583-AA26
107	Requirements for Partially Rendered Products	0583-AA27
108	Control of Salmonella and Other Enteric Bacteria in Meat and Poultry Processing	0583-AA28
109	Verified Production Control Program	0583-AA29
110	Determination of Added Water in Cooked Sausages	0583-AA30
111	Sulfonamides in Swine	0583-AA31
112	Cattle Post - Mortem Inspection Procedures and Staffing Procedures	0583-AA32
113	Elimination of Sealing Requirement for Rendered Edible Animal Fat	0583-AA36
114	Swine Identification and Record Keeping at Markets and at Official Slaughtering Establishments	0583-AA39
115	Use and Labeling of Blood Components as Ingredients in Meat Food Products	0583-AA42
116	Use of Lactic Acid and Acetic Acid as Anti-Microbial Agents on Meat and Poultry Carcasses	0583-AA43
117	Glucono Delta Lactone as an Acidifier in Meat and Poultry Products	0583-AA46
118	Requirements for Foreign Country Import Certification and Live Animal Importation	0583-AA47
119	Use of Air for Carcass Hide Removal	0583-AA48
120	Trichina Control Requirements for Dry-Cured Ham	0583-AA49
121	Movement of Imported Product Prior to Reinspection	0583-AA53
122	Use and Protection of Approved Water Systems	0583-AA54

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
123	Standard for Frankfurters and Similar Cooked Sausages	0583-AA21
124	Disposal of Livestock Carcasses and Parts Condemned for Biological Residues	0583-AA33
125	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid, and Calcium Lactate	0583-AA34
126	Identification Service for Poultry	0583-AA35
127	Random Weight Packages; Statement of Net Weight Decimal Places	0583-AA37
128	Streamlined Inspection System for Broilers and Cornish Game Hens	0583-AA38
129	Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Ascorbic, and Sodium Citrate in Fresh Pork Cuts	0583-AA40
130	Determination of "Added Water" in Cooked Sausages	0583-AA41
131	Ingredients that may be Identified as Flavors or Natural Flavors when used in Meat and Poultry Products	0583-AA44
132	Safety and Sanitation Requirements for Electrical Stimulating Equipment	0583-AA45
133	Antioxidants in Fabricated Steaks	0583-AA50

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Food Safety and Inspection Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
134	Notice of Proceedings	0583-AA51
135	Requirements for Imported Poultry Products	0583-AA52
136	Facility and Equipment Requirements for the Streamlined Inspection System for Broilers and Cornish Game Hens	0583-AA56

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
137	Red Meat Slaughter Regulations	0583-AA03

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
138	Determination of the Market Stabilization Price for Sugar for FY 1988	0551-AA20
139	Determination of Import Quotas on Sugar for Fiscal Year 1988	0551-AA21
140	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
141	Amend 7 CFR 1493 to Provide for Intermediate Credit Guarantees Which Will Give U.S. Exporters or U.S. Banks Protection in the Event Foreign Banks Fail to Make Payment	0551-AA19
142	Dairy Export Incentive Program	0551-AA22

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
143	Part 219 Planning	0596-AA50
144	Appeal of Decisions of Forest Officers	0596-AA51
145	Official Forest Service Insignia	0596-AA59
146	36 CFR 262 Law Enforcement Support Activities	0596-AA65
147	36 CFR 271 - Use of "Smokey Bear" Symbol	0596-AA66
148	Whiskeytown-Shasta-Trinity National Recreation Area	0596-AA68
149	36 CFR 261 Prohibitions	0596-AA75
150	Use of "Woodsy Owl" Symbol	0596-AA76

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Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
151	Entrance into Petersburg Watershed	0596-AA23
152	Land Status and Title Records	0596-AA24
153	Ingress to and Egress from National Forest System Lands	0596-AA31
154	Periodic Payments for National Forest Timber Sale Contracts	0596-AA33
155	Use Restrictions of National Forest Lands for the Protection of Municipal Water Supplies	0596-AA34
156	Grazing and Livestock Use and Management of Wild, Free-Roaming Horses and Burros	0596-AA35
157	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
158	Control of Skewed Bidding on National Forest Timber Sales	0596-AA37
159	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails	0596-AA38
160	Revise the Definition of "Mechanical Transport" at 36 CFR 293.6(a)	0596-AA39
161	Conservation of Fish, Wildlife, and their Habitats on the Copper/River Addition and Copper River-Bering River Portion, Chugach National Forest, Alaska	0596-AA41
162	Land Exchanges	0596-AA42
163	Small Business Timber Sale Set Aside Program	0596-AA43
164	Definition of Common Variety Mineral Materials	0596-AA44
165	Timber Sale Contract Form Revision and Publishing of Policy Forms FS-2400-6 and 2400-6T	0596-AA45
166	Leasable Mineral Regulations	0596-AA46
167	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
168	Locatable Minerals	0596-AA49
169	Create a New Subpart C to 36 CFR 264 Entitled National Scenic and Historic Trail Symbols	0596-AA54
170	Grazing Fees; Eastern and Southern Regions	0596-AA55
171	Ski Area Term Permits	0596-AA57
172	Free Use to Alaskan Settlers, Miners, Residents and Prospectors	0596-AA69
173	Increase in Minimum Rates Charged for Timber	0596-AA73
174	Sale of Timber where Total Public Benefits May not Meet or May Exceed Total Costs	0596-AA74
175	36 CFR Part 222, Subpart C - Grazing Fees	0596-AA77

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
176	Debarment and Suspension of Timber Sale Contractors	0596-AA09
177	Indian Allotments on National Forest System Lands	0596-AA52
178	Prohibitions; Fossil Collecting	0596-AA56
179	Non-Competitive Disposal of Mineral Materials	0596-AA60
180	Require Increased Downpayments From Timber Sale Purchasers with a History of Default	0596-AA70
181	Revise 36 CFR 223.178 Regarding Release of Claims Against the Government on Sales Offered for Government Buyout	0596-AA71
182	Review of Decisions to Terminate Recreation Residence Permits	0596-AA72

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
183	Prohibitions; Possession and Storage of Food and Refuse in Certain National Forest Areas	0596-AA48
184	Recreation Residence Authorizations	0596-AA53
185	Appeal of Decisions of Forest Officers; Revision of Stay Procedures	0596-AA58

USDA

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
186	Snow Surveys and Water Supply Forecasts	0578-AA01
187	Relocation Assistance	0578-AA12
188	Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-Assisted Programs	0578-AA13

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
189	Soil Surveys	0578-AA00
190	Prime and Unique Farmlands	0578-AA10
191	Farmland Protection Policy Act	0578-AA14

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act

CFR Citation: 7 CFR 26 to 209

Legal Deadline: None.

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: No

Agency Contact: Tilli Fox, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA19

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Completed Actions

2. MOHAIR STANDARDS

CFR Citation: 7 CFR 32

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/27/87	

Small Entity: No

Agency Contact: Tilli Fox 202 447-2704

RIN: 0581-AA06

3. WOOL STANDARDS

CFR Citation: 7 CFR 31

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/27/87	

Small Entity: No

Agency Contact: Tilli Fox 202 447-2704

RIN: 0581-AA12

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

4. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None.

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA38

5. NATIONAL AVERAGE LOAN RATES FOR 1987-CROP QUOTA AND ADDITIONAL PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445c-2; 7 USC 1423; Ag Act of 1949, Sec. 108B

CFR Citation: Not applicable

Legal Deadline: Statutory, February 15, 1987.

Abstract: This action is required by legislation, which provides a formula for computing the quota support level and guidelines for determining the additional support level. The objective is to support farm income and stabilize prices. (ASCS 86-031)

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 2796
Announcement	02/13/87	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA61

6. 1987-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446; Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None.

Abstract: The Food Security Act of 1985 requires that 1987-crop honey be supported at 63 cents per pound. The Act also provides the Secretary discretion to conduct a marketing loan program. The objective of the marketing loan concept is to (1) minimize the number of loan forfeitures, (2) avoid excessive stocks of honey, (3) reduce the costs incurred by the Federal Government in storing honey, and (4) maintain the competitiveness of honey in domestic and export markets. (ASCS 86-028)

Timetable:

Action	Date	FR Cite
Announcement	04/07/87	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA73

7. 1988 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; The Agricultural Act of 1949, as amended Sec 101

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory, January 31, 1988.

Abstract: To provide an adequate rice supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-058)

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA90

8. 1987 SOYBEAN LOAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421.1 to 1421.29; 7 CFR 1421.365 to 1421.374

Legal Deadline: Statutory, October 1, 1987.

Abstract: To assure sufficient supplies for domestic and export use, and comply with statutory requirements. (ASCS 86-062)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA95

9. 1988 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444(h); The Agricultural Act of 1949, as amended, Sec 103(h)

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1987.

Abstract: To assure sufficient supplies of extra long staple cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-065)

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	
Final Action	12/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA99

10. 1988-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); The Agricultural Act of 1949, as amended, Sec. 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None.

Abstract: Legislation requires that 1988-crop honey be supported at 95 percent of the 1987 level, or $0.5985 per pound. It also provides the Secretary the discretion to allow loan repayment at a lower rate. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of honey in domestic and export markets. Alternatives to be considered are: the type of support to offer, whether loans, purchases, or loans and purchases, and whether to implement the lower repayment provision. Government costs under the lower repayment provision would be expected to be under $60 million.

Timetable:

Action	Date	FR Cite
NPRM	01/18/88	
Final Action	04/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Progam Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB04

11. 1988 WOOL AND MOHAIR PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended by; PL 99-198, Sec 201 The Food Security Act of 1985

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None.

Abstract: This action will encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner that will ensure a viable domestic wool industry, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is determined by statutory formula. The support level for mohair must be set at a level not more than 15 percent above, or below the comparable percentage of parity at which shorn wool is supported. The expected cost to Government will be between $100 and $200 million.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
Final Action	12/31/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB05

12. 1988-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR MINOR KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Act of 1938, as amended, Sec 312-313

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, March 1, 1988.

Abstract: Marketing quotas and acreage allotments are required by legislation. Their objective is to balance supply with demand at levels that ensure stable supplies for domestic and export use. This action is expected to result in a net receipt to the Government of approximately $8 million.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
Final Action	03/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB07

13. 1988-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

Legal Authority: 7 USC 1423; Agricultural Act of 1949, Sec. 403; 15 USC 714c; Commodity Credit Corporation Charter Act, Sec. 5

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The Secretary of Agriculture is authorized to make appropriate adjustments in the support price for peanuts for differences in grade, type, quality, location, and other factors to ensure that price support levels are representative of the market values of the various types. The average of the price support levels must, as far as is practicable, equal the national average price support level as determined by legislation. No alternatives are considered and the cost to Government will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	
Final Action	03/31/88	

Small Entity: No

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB08

14. ● 1988 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Legal Authority: 7 USC 1445; The Agricultural Act of 1949, as amended, Sec 106

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: To stabilize tobacco prices and comply with statutory requirements, price support levels are set by statutory formula, based on a prices paid index. The Secretary may lower price support at the request of producer associations. Increases may be limited to 65% of the increase otherwise established. A net receipt of $3.6 million is expected. (ASCS 87-019)

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	
Final Action	09/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S,

PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB12

15. ● 1989-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Act of 1938, as amended, Sec 358

CFR Citation: 00 CFR None

Legal Deadline: Statutory, December 15, 1988. (For announcement of national poundage quota only)

Abstract: To balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income.

This action is required by legislation, which provides a formula for computing the national poundage quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The expected cost is $1 million. (ASCS 87-020)

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	
Final Action	12/15/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB13

16. ● 1989 WHEAT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1445b-3; 7 USC 1710; The Agricultural Adjustment Act of 1949, Sec 107D and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796

Legal Deadline: Statutory, June 1, 1988. (For announcement of acreage adjustment levels)

Abstract: To provide an adequate wheat supply for domestic and foreign utilization, increase the competitiveness of U.S. exports, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements.

Determinations are to be made on (1) loan and purchase rate--minimum probable range of $2.06 to $2.57 per bushel, (2) target price--at least $4.16 per bushel, and (3) acreage adjustment--not less than 20% nor more than 30%, if carryin exceeds 1 billion bushels; no more than 20% if carryin is below 1 billion bushels. Decisions also to be made on whether to implement (1) a marketing loan program and related programs, (2) a paid land diversion, and (3) incentives for farmers to participate in the FOR. The expected cost is $2.0-$5.0 billion. (ASCS 87-021)

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	
Final Action	06/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB14

17. ● 1989 FEED GRAIN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444e; 7 USC 1421; The Agricultural Act of 1949, as amended, Sec 105c; 7 USC 1710; The Agricultural Adjustment Act of 1949, as amended, Sec 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718 to 719; 7 CFR 792; 7 CFR 794 to 96; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1988. (For announcement of acreage adjustment levels)

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements.

Primary determinations to be made are (1) loan and purchase rates--probable range of $1.65 - $2.06/bu. for corn, with rates for other feed grains set in relation to that for corn, (2) target prices--not less than $2.88 per bushel for corn, with rates for other feed grains set in relation to that for corn, and (3) acreage adjustment--not less than 12.5% nor more than 20%, if corn carryin exceeds 2 billion bushels; no more than 12.5% if corn carryin is less than 2 billion bushels. Decisions also to be made on whether to implement (1) a paid land diversion, (2) a marketing loan, (3) a half-compliance program, (4) incentives for farmers to participate in the FOR, and (5) price support for corn silage. The expected cost is $8.0 to $12.0 billion. (ASCS 87-022)

Timetable:

Action	Date	FR Cite
NPRM	07/15/88	
Final Action	09/30/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB15

18. ● 1989 UPLAND COTTON PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444-1; The Agricultural Adjustment Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1988. (For announcement of loan rate, acreage adjustment level, and national program acreage)

Abstract: To assure sufficient supplies of upland cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements.

Determinations must be made on (1) the loan rate--not less than 50.00 cents/lb, (2) the target price--not less than 74.5 cents/lb, (3) the loan repayment rate--if the world price is below the loan rate, repayment rate may be set by 1 of 2 options: (Plan A or Plan B, Sec. 103A (a(5))), (4)acreage limitation--no greater than 25%, (5) the national program acreage--not less than 10 million acres, (6) other provisions: whether or not to implement voluntary paid land diversion, loan deficiency payment, inventory reduction, or seed cotton loan programs. The expected cost is $250 - $500 million. (ASCS 87-023)

USDA—ASCS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/01/88	
Final Action	10/31/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB16

19. ● COMMON PROGRAM PROVISIONS FOR THE 1989 WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS

Significance: Agency Priority

Legal Authority: 7 USC 1421 et seq; The Agricultural Act of 1949, as amended, Sec 107d

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Legal Deadline: None.

Abstract: To make and implement determinations that are common to each of the 1989 Wheat, Feed Grain, Cotton and Rice Programs. Determinations are to be made on (1) production of approved non-program crops on underplanted program crop permitted acreage (50/92 provision), (2) production of alternative crops on reduced acreage, (3) haying and grazing of 50/92 and ACR conservation use acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of 10 percent of a farm's acreage base between program commodity acreage bases, (8) consideration of actual 1989-crop yields in establishing a subsequent year's program payment yield, (9) advance deficiency and diversion payments, (10) interest certificate payments, and (11) provisions for commodity payment certificates. (ASCS 87-024)

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	
Final Action	06/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB17

20. ● 1988 SOYBEAN LOAN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421

Legal Deadline: Statutory, October 1, 1988. (For announcement of loan rate)

Abstract: To assure sufficient supplies for domestic and export use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements.

Determinations are to be made on the loan and purchase rate, with a probable range of $4.77 to $4.53/bu., and on whether to implement a marketing loan program. The expected cost is $0.1 - $0.6 billion. (ASCS 87-025)

Timetable:

Action	Date	FR Cite
NPRM	08/01/88	
Final Action	09/30/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB18

21. ● CCC COTTON LOAN PROGRAM REGULATIONS--SETTLEMENT, FRAUD, AND CONVERSION PROVISIONS

Legal Authority: 15 USC 714b to c; Commodity Credit Corporation Charter Act, Sec 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None.

Abstract: This action will update regulations to (1) clarify settlement provisions and (2) incorporate fraud or conversion language in order to make the regulations for cotton consistent with those for grain. No cost to Government is expected. (ASCS 87-015)

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	12/31/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB22

22. ● GENERAL REGULATIONS GOVERNING PRICE SUPPORT OF 1986 AND SUBSEQUENT CROPS OF GRAIN

Legal Authority: 15 USC 714b to c; Commodity Credit Corporation Charter Act, Sec 4 and 5

CFR Citation: 7 CFR 1421

Legal Deadline: None.

Abstract: To correct and update program regulations. Specifically, this amendment will incorporate substitution provisions, clarify settlement of high moisture grain delivered to CCC, and revise warehouse-stored loan grade requirements. No cost to Government is expected. (ASCS 87-016)

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	12/31/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB23

23. ● 1989 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); The Agricultural Adjustment Act of 1949, as amended, Sec 103h

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1988. (12/1/88 for announcement of loan rate only)

USDA—ASCS **Proposed Rule Stage**

Abstract: To assure sufficient supplies of ELS cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, conserve natural resources, hold down Federal costs, and comply with statutory requirements.

Determinations are to be made on (1) the loan rate -- not less than 85% of the average market price over the previous 5 years, excluding the highest and lowest years, (2) the target price -- 120% of the loan level, (3) acreage limitation -- to be set at such level as to assure that total supplies will not be excessive, (4) the national program acreage -- not less than 60 thousand acres, (5) other provisions -- whether or not to make land diversion payments, and the loan level for seed cotton. The expected cost is $0.5 - $1.0 million (ASCS 87-018)

Timetable:

Action	Date	FR Cite
NPRM	09/01/88	
Final Action	12/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB25

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

24. 1987 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444 to 1445; Ag Act of 1949, as amended Sec. 105, 107, and 424

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1986.

Abstract: The object of this action is to provide an adequate feed grain supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-043)

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26452
Announcement	09/29/86	
Announcement	10/24/86	
Final Action	10/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA59

25. 1987 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444(h); Ag Act of 1949 Sec 103(h); as amended by Sec 507 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1986.

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-029)

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30886
Announcement	11/21/86	
Final Action	10/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA60

26. 1987 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1; Ag Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1986.

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-045)

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30889
Announcement	09/29/86	
Announcement	03/20/87	
Final Action	10/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA64

27. 1987 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441-1; Ag Act of 1949, as amended Sec 101A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory, January 31, 1987.

Abstract: The object of this action is to provide an adequate rice supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-047)

Timetable:

Action	Date	FR Cite
NPRM	08/22/86	51 FR 30083
Announcement	10/24/86	
Final Action	10/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA72

28. PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

Legal Authority: 7 USC 1446; Ag Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: Statutory, October 1, 1986.

Abstract: The 1949 Act, as amended by the Food Security Act of 1985, requires the Secretary to support the price of domestically grown sugarcane and sugar beets through a nonrecourse loan program effective for the 1986 through 1990 crops. The object of this action is to develop program and operation provisions for administering a sugar price support program. (ASCS 86-048)

Timetable:

Action	Date	FR Cite
Announcement	10/01/86	
Interim Final Rule	10/29/86	51 FR 39507

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA74

29. 1987-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; Ag Act of 1938, Sec 358

CFR Citation: Not applicable

Legal Deadline: Statutory, December 15, 1986.

Abstract: This action is required by legislation, which provides a formula for computing the National quota. The quota must equal the amount devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The objective is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income. (ASCS 86-033)

Timetable:

Action	Date	FR Cite
NPRM	11/20/86	51 FR 41990
Announcement	12/12/86	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA79

30. 1987 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1332 to 1338; 7 USC 1445 et seq; 7 USC 1433c; Ag Adjustment Act of 1938 as amended, Sec 338; Ag Act of 1949 as amended, Sec 107 and 424

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Legal Deadline: Statutory, June 1, 1986.

Abstract: The object of this action is to provide an adequate wheat supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-041)

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17601
Announcement	05/30/86	
Announcement	06/30/86	
Final Action	10/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA82

31. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROGRAMS

Significance: Agency Priority

Legal Authority: 16 USC 3801 to 3822; 16 USC 3841 to 3845; PL 98-198; Sections 1201-1223 and 1241-1245, The Food Security Act of 1985

CFR Citation: 7 CFR 703, (New)

Legal Deadline: Statutory, June 20, 1986.

Abstract: This action is needed to set forth the terms and conditions of the Highly Erodible Land and the Wetland Conservation Programs as required by the Food Security Act of 1985. Under these programs a producer who, after 12/23/85, produces an agricultural commodity on a field defined as highly erodible or on wetland converted after 12/23/85 will be ineligible for any designated USDA program benefits. However, during the period from 12/23/85 to the later of 1/1/90 or 2 years after a producer's field is mapped by SCS for purposes of classifying such land, such producer will not be ineligible for program benefits for highly erodible land that had been cultivated to produce any of the 1981-85 crops, or set aside, diverted or otherwise not cultivated under a USDA production adjustment program. Certain other exemptions from the ineligibility provisions will also apply. (ASCS 86-051)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/27/86	51 FR 23496

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 447-4636**

RIN: 0560-AA88

32. COMMON PROGRAM PROVISIONS FOR THE 1988 WHEAT, FEED GRAINS, COTTON AND RICE PROGRAMS

Significance: Regulatory Program

Legal Authority: 7 USC 1441-1; 7 USC 1444-1; 7 USC 1444-b; 7 USC 1445b-3; 7 USC 1461 to 1469; Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Legal Deadline: Statutory, June 1, 1987. (Acreage Reduction Percentage for Wheat Only)

Abstract: To make and implement determinations that are common to each of the 1988 wheat, feed grains, cotton and rice programs.

Determinations are to be made on (1) the enrollment period (universal or staggered for each program), (2) production of approved non-program crops on underplanted program crop permitted acreage, (3) production of alternative crops on reduced acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of ten percent of a farm's acreage base

between program commodity base acreage, (8) consideration of actual 1988-crop yields in establishing a subsequent year's program payment yield, (9) procedure for crediting prevented planting and failed acreage, and (10) advance deficiency and diversion payments. (ASCS 86-057)

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15362
Announcement	07/02/87	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA89

33. 1988 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1445b-3; The Agricultural Act of 1949, as amended, Sec 107D

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.460 to 1421.471; 7 CFR 1421.700 to 1421.714

Legal Deadline: Statutory, June 1, 1987. (Acreage Reduction Percentage Only)

Abstract: To provide an adequate wheat supply for domestic and foreign utilization, increase the competitiveness of U.S. exports, and comply with statutory requirements. (ASCS 86-059)

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15358
Announcement	07/02/87	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA91

34. 1988 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444e; The Agricultural Act of 1949, as amended, Sec 105C and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.90 to 1421.100; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1987. (Acreage Reduction Percentage Only)

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-060)

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26707
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA92

35. 1988 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1, Ag Act of 1949, as amended Sec. 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1987.

Abstract: To assure sufficient supplies of upland cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-061)

Timetable:

Action	Date	FR Cite
NPRM	07/17/87	52 FR 27032
Final Action	10/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA93

36. COMMON PROGRAM PROVISIONS FOR THE 1987 WHEAT, FEED GRAINS, COTTON AND RICE PROGRAMS

Significance: Agency Priority

Legal Authority: Agricultural Adjustment Act of 1938; and Agricultural Act of 1949, as amended by; PL 99-198, The Food Security Act of 1985; PL 99-253, The Food Security Act of 1985: Amendments and; PL 99-260, The Food Security Improvements Act of 1986

CFR Citation: Not yet determined

Legal Deadline: Statutory, June 1, 1986.

Abstract: To make and implement determinations that are common to each of the 1987 Wheat, Feed Grains, Cotton and Rice Programs. Determinations are to be made on (1) the enrollment period (universal or staggered for each program), (2) production of approved non-program crops on underplanted program crop permitted acreage, (3) production of alternative crops on reduced acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of 10 percent of a farm's acreage base between program commodity base acreages, (8) consideration of actual 1987-crop yields in establishing a subsequent year's program payment yield, (9) procedure for crediting prevented planting and failed acreage, and (10) advance deficiency and diversion payments. (ASCS 86-053)

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17598
Announcement	05/30/86	
Final Action	10/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA94

37. 1987 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 1464

Legal Deadline: None.

Abstract: To stabilize tobacco prices and comply with statutory requirements. (ASCS 86-063)

Timetable:

Action	Date	FR Cite
NPRM	04/21/87	52 FR 13112

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA97

38. 1988-CROP FLUE-CURED TOBACCO MARKETING QUOTAS

Significance: Agency Priority

Legal Authority: 7 USC 1311 to 1313; Agricultural Adjustment Act of 1938, as amended; Sec 311 to 313

CFR Citation: 7 CFR 725

Legal Deadline: Statutory, December 15, 1987.

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels assuring stable supplies for domestic and export use. (ASCS 86-064)

Timetable:

Action	Date	FR Cite
Final Action	12/11/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA98

39. 1987-CROP SUGAR BEETS AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Adjustment Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: None.

Abstract: Legislation requires the Secretary to support the price of domestically grown sugar beets and sugarcane through a nonrecourse loan program. This action will set forth (1) the loan rates applicable to 1987-crop sugar beets and sugarcane, and (2) the 1987-crop minimum price support levels that processors are required to pay to growers. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB01

40. MILK PRICE SUPPORT LEVEL, CALENDAR YEAR 1988

Significance: Regulatory Program

Legal Authority: 7 USC 1446(d); The Agricultural Act of 1949, as amended, Sec. 201(d)(1)(E)

CFR Citation: 7 CFR 1430

Legal Deadline: Statutory, January 1, 1988.

Abstract: Legislation requires that, if estimated price support purchases for 1988 exceed 5 billion pounds (milk equivalent, fat basis), the Secretary shall reduce the support price by $0.50 per hundredweight (cwt), and if estimated purchases do not exceed 2.5 billion pounds, shall increase the support price by $0.50/cwt. The cost to Government is expected to be approximately $1 billion.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	

Small Entity: No

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB02

41. MILK PRICE SUPPORT LEVEL, OCTOBER 1, 1987, THROUGH DECEMBER 31, 1990

Significance: Regulatory Program

Legal Authority: 7 USC 1446(d); The Agricultural Act of 1949, as amended, Sec. 201(d)

CFR Citation: 7 CFR 1430

Legal Deadline: Statutory, October 1, 1987.

Abstract: Legislation requires that the price of milk shall be supported during the period 10/01/87 through 12/31/90 at $11.60 per hundredweight (cwt) for milk containing 3.67 percent milkfat. It also requires the termination of the $0.75/cwt reduction in the support price as of 09/30/87. Under certain circumstances, the support price may be changed for calendar years 1988-90. Any changes in the support price for calendar years 1988-90 will be covered in separate actions. The cost to Government is expected to be approximately $1 billion per year.

Timetable:

Action	Date	FR Cite
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB03

42. 1988-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1312; The Agricultural Act of 1938, as amended, Sec 312 to 313; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, February 1, 1988.

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers.

Timetable:

Action	Date	FR Cite
Final Action	01/29/88	

Small Entity: No

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S

USDA—ASCS **Final Rule Stage**

P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB06

43. ● 1988-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Agency Priority

Legal Authority: 7 USC 1421; 7 USC 1446; The Agricultural Adjustment Act of 1949, as amended, Sec 201; and 401

CFR Citation: 7 CFR 1435

Legal Deadline: None.

Abstract: To set forth (1) loan rates applicable to 1988-crop sugar beets and sugarcane, and (2) the 1988-crop minimum price support levels processors are required to pay their growers. The minimum national average loan rate is set by statute at $0.18/lb. for sugarcane, with the rate for sugar beets set at such level as the Secretary determines is fair and reasonable in relation to that for sugarcane. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion. (87-026)

Timetable:

Action	Date	FR Cite
Final Action	09/15/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB19

44. ● 1989 WOOL AND MOHAIR PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended, Sec 703

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None.

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner which will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. The support price for mohair must be set at a level not more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported. The expected cost is $100 to $200 million. (ASCS 87-027)

Timetable:

Action	Date	FR Cite
Final Action	12/30/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB20

45. ● 1988 CCC COTTON LOAN PROGRAM REGULATIONS--BALE PACKAGING MATERIALS

Legal Authority: 15 USC 714b to c; Commodity Credit Corporation Charter Act, Sec 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None.

Abstract: To incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1988 that were approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC. No cost to Government is expected. (ASCS 87-014)

Timetable:

Action	Date	FR Cite
Final Action	07/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB21

46. ● WAIVER OF STANDARDS FOR APPROVED WAREHOUSES

Legal Authority: 15 USC 714c; Commodity Credit Corporation Charter Act, Sec 5

CFR Citation: 7 CFR 1421

Legal Deadline: None.

Abstract: Due to the large carryover of grain stocks and a bumper harvest expected this summer and fall, the need for storage space for CCC-owned and loan grain may become critical in several areas of the country. This amendment will permit CCC to approve warehouses that are temporarily unable to meet all of the Standards of Approval, in order to provide adequate storage space. There is no expected cost to Government of this action. (ASCS 87-017)

Timetable:

Action	Date	FR Cite
NPRM	08/15/87	
Final Action	01/04/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB24

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

47. 1987 WOOL AND MOHAIR PROGRAM

CFR Citation: 7 CFR 1468; 7 CFR 1472

Completed:

Reason	Date	FR Cite
Final Action	07/08/87	52 FR 25616

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA65

USDA—ASCS

Completed Actions

48. 1987-CROP FLUE-CURED TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

CFR Citation: 7 CFR 724

Completed:

Reason	Date	FR Cite
Final Action	04/20/87	52 FR 12947

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA67

49. 1987-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVELS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	05/14/87	52 FR 18255

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA68

50. REGULATIONS FOR PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATIONS UNDER TITLE II, P.L. 480

CFR Citation: 7 CFR 1496

Completed:

Reason	Date	FR Cite
Final Action	02/25/87	52 FR 5726

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA96

51. 1987-88 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	06/12/87	52 FR 22510

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AB09

52. 1987 CCC COTTON LOAN PROGRAM REGULATIONS

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	07/07/87	52 FR 25354

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AB10

53. NOTICE OF 1987-88 APPLICATION AND INSPECTION FEES UNDER THE 1987 UNIFORM GRAIN AND RICE STORAGE AGREEMENT

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	04/10/87	52 FR 11716

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AB11

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Animal and Plant Health Inspection Service (APHIS)

54. ● ANIMAL WELFARE REGULATIONS; STANDARDS

Significance: Regulatory Program

Legal Authority: 7 USC 2142; 7 USC 2143

CFR Citation: 9 CFR 3.1 to 3.17, (Revision); 9 CFR 3.25 to 3.41, (Revision); 9 CFR 3.75 to 3.91, (Revision)

Legal Deadline: None.

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131 et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. APHIS is proposing to amend, revise, and expand the "Standards" relating to dogs and cats, guinea pigs and hamsters, and nonhuman primates, and will include provisions for exercise of dogs and for promoting the psychological well-being of primates.

Timetable:

Action	Date	FR Cite
End Review	10/00/87	
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Dr. R. L. Crawford, Senior Staff Veterinarian, Animal Care Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 756, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7833

RIN: 0579-AA20

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

55. ● IMPORTATION OF FRUITS AND VEGETABLES UNDER ASSURED CERTIFICATION AGREEMENTS

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319.56

Legal Deadline: None.

Abstract: To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine (PPQ) inspects shipments of foreign fruits and vegetables upon their arrival at United States ports. PPQ is developing regulations that will allow inspections to be performed in the exporting countries, rather than upon arrival in the United States, using methods and standards approved and monitored by PPQ. This procedure should speed the movement of commodities moved under this "assured certification" alternative, and will allow PPQ to employ its personnel and resources more effectively.

Timetable:

Action	Date	FR Cite
ANPRM	01/20/87	52 FR 2114
ANPRM Comment Period End	03/23/87	

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Mr. Frank Cooper, Staff Officer, Regulatory Services Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 637, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8248**

RIN: 0579-AA17

56. ● SWINE IDENTIFICATION

Significance: Regulatory Program

Legal Authority: 21 USC 111 to 113; 21 USC 601 et seq; 21 USC 114a; 21 USC 1149-1; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 71; 9 CFR 78; 9 CFR 85; 9 CFR 309; 9 CFR 310; 9 CFR 320

Legal Deadline: None.

Abstract: Swine in interstate commerce may be adulterated with drug and other chemical residue levels higher than the allowed tolerance and may be spreading diseases. The Department is proposing to require that all swine in interstate commerce be individually identified and records of identification be maintained. Mandatory identification of swine in interstate commerce would allow APHIS to more easily locate sources of infection in order to eradicate and contain disease and would allow the Food Safety Inspection Service (FSIS) to more easily determine the source of adulterated meat and prevent its consumption.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	01/00/88	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Steven B. Farbman, Assistant Director, Regulatory Coordination, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-5533**

RIN: 0579-AA19

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

57. ● ANIMAL WELFARE; DEFINITION OF TERMS AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 7 USC 2133; 7 USC 2135; 7 USC 2136; 7 USC 2140; 7 USC 2141; 7 USC 2142; 7 USC 2143; 7 USC 2144; 7 USC 2146; 7 USC 2147; 7 USC 2151

CFR Citation: 9 CFR 1, (Revision); 9 CFR 2, (Revision)

Legal Deadline: None.

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131, et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. The Agency has proposed definitions to provide proper guidance to the public, licensees, and registrants in their responsibilities under the Act. The Agency has also proposed to amend, revise, and expand the "Regulations" contained in 9 CFR 2.1 through 2.132, pertaining to licensing and registration of facilities, recordkeeping and identification of animal holding periods and facilities, inspections, Institutional Animal Care and Use Committees, adequate veterinary care, and other areas relating to humane animal care matters.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	52 FR 10298
Notice of Extension of comment period	05/22/87	52 FR 19359
Extension and Reopening of comment period	08/12/87	52 FR 29865
NPRM Comment Period End	08/27/87	
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Dr. R. L. Crawford, Senior Staff Veterinarian, Animal Care Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 756, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-7833**

RIN: 0579-AA18

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

58. REVISION OF 7 CFR 319.56 - FRUITS AND VEGETABLES

Significance: Regulatory Program

CFR Citation: 7 CFR 319.56

Completed:

Reason	Date	FR Cite
Withdrawn	08/24/87	

Small Entity: No

Agency Contact: Steven B. Farbman 301 436-5533

RIN: 0579-AA12

59. GYPSY MOTH - OUTDOOR HOUSEHOLD ARTICLES

Significance: Regulatory Program

CFR Citation: 7 CFR 301.45

Completed:

Reason	Date	FR Cite
Withdrawn	08/24/87	

Small Entity: No

Agency Contact: Steven B. Farbman 301 436-5533

RIN: 0579-AA15

60. INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS

Significance: Regulatory Program

CFR Citation: 7 CFR 340, Proposed

Completed:

Reason	Date	FR Cite
Final Action	06/16/87	52 FR 22892
Final Action Effective	07/16/87	

Small Entity: No

Agency Contact: Steven B. Farbman 301 436-5533

RIN: 0579-AA16

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Cooperative State Research Service (CSRS)

61. GUIDELINES FOR BIOTECHNOLOGY RESEARCH

Legal Authority: PL 99-198 Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The purpose of these guidelines is to specify required laboratory, agricultural, and environmental practices for constructing, handling, and experimental testing of plants, animals, and selected microorganisms involved in agricultural biotechnology research. These guidelines are necessary to assure the safety of agricultural ecosystems in which genetically engineered organisms may be released from physical containment. Compliance with the guidelines will be obligatory for all entities which receive research support from USDA and it will be voluntary for other entities. The guidelines are promulgated under the authority of the Food Security Act of 1985 (P.L. 99-198). The National Institutes of Health (NIH) has submitted to the Federal Register a notice of proposed changes in the NIH Guidelines for research on whole plants and animals. When these changes are made, USDA will re-evaluate the need for additional guidelines to address agricultural research.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
Final Action	11/00/87	

Small Entity: No

Agency Contact: William S. Smith, Regulatory Coordinator, Department of Agriculture, Cooperative State Research Service, Room 017 Justin Smith Morrill Bldg., Washington, DC 20251-0900, 202 475-4964

RIN: 0524-AA00

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Farmers Home Administration (FmHA)

62. ● SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Legal Authority: 42 USC 1480

CFR Citation: 07 CFR 1930; 07 CFR 1944; 07 CFR 1965

Legal Deadline: None.

Abstract: This regulation is being revised to provide clarification on the processing differences between membership changes and transfers, to broaden the ability to consolidate and reamortize loans, to clarify actions to be taken during a bankruptcy, and to clarify and discuss the classification of problem loans and their resolution, along with other minor revisions. These revisions are needed so as to provide more complete guidance to field staff and borrowers on the topics discussed above. Potential costs consist of administrative time involved with Agency personnel drafting and completing regulation. No alternatives were identified as being appropriate to address the several problems being corrected with this regulation.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/88	
ANPRM Comment Period End	06/30/88	
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South

Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA38

63. ● SERVICING AND COLLECTIONS NON PROGRAM (NP) LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1951 J

Legal Deadline: None.

Abstract: A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate non-program (NP) loans.

Timetable:

Action	Date	FR Cite
ANPRM	01/01/88	
ANPRM Comment Period End	03/01/88	
Final Action	09/01/88	
Final Action Effective	10/01/88	

Small Entity: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA39

64. ● ANALYZING CREDIT NEEDS AND GRADUATION OF BORROWERS

Significance: Agency Priority

Legal Authority: 42 USC 1472

CFR Citation: 7 CFR 1951-F

Legal Deadline: None.

Abstract: Provide for Contracting for Borrower Graduation by a private contractor and certain other changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/88	
ANPRM Comment Period End	05/03/88	
Final Action	07/03/88	
Final Action Effective	08/03/88	

Small Entity: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA40

65. ● COMPLAINTS AND COMPENSATION FOR CONSTRUCTION DEFECTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1924 F

Legal Deadline: None.

Abstract: Provide for handling construction defects on manufactured homes.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/88	
ANPRM Comment Period End	05/01/88	
Final Action	09/01/88	
Final Action Effective	10/01/88	

Small Entity: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA41

66. ● BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Legal Authority: PL 100-71

CFR Citation: 7 CFR 1951-G

Legal Deadline: None.

Abstract: Provide for interest rate adjustment on non-subsidized loans.

Timetable:

Action	Date	FR Cite
ANPRM	01/01/88	
ANPRM Comment Period End	03/01/88	
Final Action	05/01/88	
Final Action Effective	06/01/88	

Small Entity: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA42

67. ● RURAL DEVELOPMENT LOAN FUND RELENDING PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 9812a; 7 USC 1932 note

CFR Citation: 07 CFR 1948-C

Legal Deadline: None.

Abstract: This action is necessary to implement the provisions of Section 407 of the Health and Human Services Act of 1986 which amended Section 1323 of the Food Security Act of 1985 by stating that all funds in, repaid to, or appropriated to the Rural Development Loan Fund shall be used by the Secretary of Agriculture to make loans to entities for the purpose of and subject to the terms and conditions specified in the first, second and last sentences of section 623 (a) of the Community Economic Development Act of 1981 (42 U.S.C. 981 (a)).

Timetable:

Action	Date	FR Cite
ANPRM	04/20/88	00 FR 0000

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, 14th & Independence Avenue, SW, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA43

68. ● SUPPLEMENTAL REQUIREMENTS FOR MAKING SECTION 502 RH LOANS FOR MANUFACTURED HOMES

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 07 CFR 1944A, Exhibit F

Legal Deadline: None.

Abstract: The Department of Energy report required in PL 98-181 will be considered in determining the need to revise FmHA thermal standards for manufactured housing.

USDA—FmHA **Prerule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6347, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA46

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Proposed Rule Stage

69. SUSPENSION AND DEBARMENT REGULATIONS

Legal Authority: 7 USC 1989; 42 USC 1480(k)

CFR Citation: 7 CFR 1924

Legal Deadline: None.

Abstract: This regulatory activity will improve FmHA's suspension and debarment system by establishing regulations that are compatible with other federal agency regulations. (FmHA 82-004)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: Agency action deferred until we review the USDA draft of the new regulation which could well become FmHA's as OMB would like to see a common regulation for all agencies.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA02

70. RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1951

Legal Deadline: None.

Abstract: FmHA proposes to revise regulations regarding the recapture of subsidy granted on Section 502 rural housing loans. This action is necessary as current FmHA regulations pertaining to same are confusing to the general public and our borrowers. The intended effect of this action is to shorten and simplify the method of calculating recapture.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
NPRM Comment Period End	12/01/87	
Final Action	04/01/88	
Final Action Effective	05/01/88	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, 202 382-9744

RIN: 0575-AA29

71. ● SELF-HELP TECHNICAL ASSISTANCE GRANTS

Legal Authority: 7 USC 1989; 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 07 CFR 1933-I

Legal Deadline: None.

Abstract: Complete revision to improve grantee's accounting responsibilities. No costs associated with action. Benefits reduce possibility of program fraud and abuse. Increase borrowers labor contribution.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA34

72. ● SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 07 CFR 1944-A

Legal Deadline: None.

Abstract: Application processing priority system. No costs associated with action. Benefits should be faster processing times and quicker response to requests for assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA35

73. ● PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 07 CFR 1924, Subpart A

Legal Deadline: None.

Abstract: Revision to the Certification requirement for drawings and specifications. No costs associated. Benefits will be reduced costs to obtain certifications.

USDA—FmHA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA36

74. ● SECTION 504 RURAL HOUSING LOANS AND GRANTS

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 07 CFR 1944, Subpart J (Revision)

Legal Deadline: None.

Abstract: Incorporates revisions to Agency's authorizing statutes made by the 1983 Housing amendments. Expands loan purposes, increases the total amount of assistance available. No cost increase. Will benefit more homeowners.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA37

75. ● DEBT SETTLEMENT - COMMUNITY AND BUSINESS PROGRAMS

Significance: Agency Priority

Legal Authority: PL 99-198

CFR Citation: 07 CFR 1956-C, (New)

Legal Deadline: None.

Abstract: Debt settlement of Community and Business Programs is governed by the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. (1921-1996). The major reason for removing debt settlement actions appropriate to Community and Business Programs from the present regulation (FmHA Instruction 456.1) to a new regulation (FmHA Instruction 1956-C) is to comply with section 1309 of the Food Security Act of 1985 (Pub. L. 99-198). Public Law 99-198 provides the Secretary with greater flexibility in administering the debt settlement claims for Community and Business Programs, including compromise, adjustment, cancellation, and chargeoff actions. The changes will result in more efficient service to the public, while continuing protection of the Government's interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575-AA44

76. ● DISTRESSED FORMER CONTINUATION AMENDMENTS TO FMHA FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1924; 7 CFR 1941; 7 CFR 1962; 7 CFR 1965

Legal Deadline: None.

Abstract: The amendments to the cited regulations are being made to implement provisions of Public Law 100-71, signed or enacted on July 11, 1987. This law is entitled Amendment 222, of the Supplemental Appropriations Act. This action will allow FmHA to make annual or production loans to delinquent FmHA farmer program borrowers, after all other servicing options including rescheduling deferment etc., were considered, if the borrower can show repayment of the annual advance, plus any other annual production monies borrowed or obtained on open accounts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA45

DEPARTMENT OF AGRICULTURE (USDA)

Farmers Home Administration (FmHA) **Final Rule Stage**

77. RESTRICTING INSURED AND GUARANTEED FARM OWNERSHIP AND OPERATING LOANS WHEN SURPLUS ITEMS EXIST

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1941; 7 CFR 1943; 7 CFR 1980

Legal Deadline: None.

Abstract: The Federal Government has had many different programs in an attempt to regulate the supply of agricultural commodities. The problem is to find a way to have an adequate supply of agricultural commodities without creating surpluses or shortages.

The Agency has changed its regulations to allow the Administrator of FmHA to restrict loans that will be used to increase the production of selected agricultural commodities - to be determined through objective criteria - when the United States Department of Agriculture is taking action to reduce production and/or has a program for supporting prices and/or has some other subsidy program for the selected agricultural commodity. This will save the applicant and the Agency the work, time, and the expense involved in processing applications for which a

feasible plan of operation cannot be developed. The change in regulations will help eliminate the number of applications that have to be fully processed and then rejected. (FmHA 84-016)

Timetable:

Action	Date	FR Cite
NPRM	12/02/85	50 FR 49395
Interim Final Rule	06/19/86	51 FR 22272
Final Action	10/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575-AA12

78. FMHA GUARANTEES OF COMMERCIAL LENDER'S FARM OWNERSHIP (FO) AND OPERATING LOANS (OL) WITH ACCOMPANYING LENDER PRINCIPAL WRITE DOWN AND/OR INTEREST RATE REDUCTION

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None.

Abstract: The general objective of the proposed action is to integrate Government and Private Sector resources in a continual effort to resolve financial difficulties in agriculture. The proposed action amends the debt adjustment program regulations for guaranteed OL and FO loans to clarify the dollar value equivalency of an interest rate reduction used in lieu of a required 10 percent minimum write down of the total principal and interest outstanding on loan(s) which a lender wants guaranteed; to reduce the minimum positive cash flow requirement under the DAP from 110 percent to 100 percent and to permit lenders to use a combination write down of principal of indebtedness along with an interest rate reduction which would equal the value of an upfront write down of existing indebtedness of at least 10 percent. The intended effect of this action is to provide additional financial assistance to both lenders and their farm borrowers in a time of financial difficulty. (FmHA 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/85	50 FR 9987
Final Action	08/00/88	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S Bldg., Washington, DC 20250, **202 382-9744**

RIN: 0575-AA22

79. CHANGES TO THE FMHA FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT THE APPLICABLE PROVISIONS OF THE "FOOD SECURITY ACT OF 1985"

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1900; 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1955; 7 CFR 1980

Legal Deadline: Statutory, March 31, 1986. For Interim Final Rule published 4/21/86.

Abstract: Most of the provisions of the Food Security Act of 1985 are mandated by the Act. The major effects will be to insure that the agency provides prompt service to applicants and borrowers, reduce the need and size of the emergency loan program, provide for additional ways that borrowers may continue farming, provide a home during the transition from farming to other employment, preserve the family farm, protect the national food supply, and provide for conservation of less productive land. (FmHA 86-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/18/86	51 FR 9174
Interim Final Rule	04/21/86	51 FR 13437
Final Action	08/00/88	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575-AA23

80. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944; 7 CFR 1922; 7 CFR 1951

Legal Deadline: None.

Abstract: The objectives of the action would make the FmHA housing program available to a greater number of very low income persons and simultaneously reduce the overall cost of the program to the government. (FmHA 86-003)

Timetable:

Action	Date	FR Cite
NPRM	07/22/86	51 FR 26256
Final Action	04/14/87	52 FR 11981
Final Action Effective	05/14/87	52 FR 11981
Final Action Multifamily	09/00/87	

Small Entity: No

Additional Information: FmHA Instruction 1944-A concerning Single Family completed 04-14-87.

FmHA Instruction 1944-E concerning Multifamily underway.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575-AA24

81. GENERAL REVISION OF FARMER PROGRAM REGULATIONS

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1951; 7 CFR 1965; 7 CFR 1980

Legal Deadline: None.

Abstract: The need for the action is to allow the Administrator more flexibility in management of Farmer Program loans, strengthen and clarify noted weaknesses in existing regulations, remove obsolete and unfunded regulations. (FmHA 86-012)

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 1706
NPRM Comment Period End	03/19/87	52 FR 4913
Final Action	10/00/87	

Small Entity: No

USDA—FmHA **Final Rule Stage**

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, **202 382-9744**

RIN: 0575-AA27

82. RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None.

Abstract: The objectives are to address the following: (1) A congressional concern that the Agency is to provide prompt services for processing applications and loan management. Prompt services can be provided by utilizing the commercial services of technicians and specialists outside of the Agency, with the Agency providing oversight and monitoring. (2) An Administration's concern that the recipients of the specialized services provided through the loan process begin to pay for these services. With the exception of nonprofit applicants, each applicant will be charged a fee for the services provided. The rate of 1/2 percent of the loan amount will capture the major expenses for services and most of the contractual costs provided by the Agency. (3) An Agency need to reduce the impact of technical services on the District and State staff resources. The State Director has been given the authority to use qualified contractors from outside the Agency under the requirements and limitations of a service contract and FmHA Regulations. To use contractors an established contract monitoring system must be established in the State. (FmHA 86-012)

Timetable:

Action	Date	FR Cite
NPRM	06/04/87	52 FR 21069
NPRM Comment Period End	08/03/87	52 FR 21069
Final Action	11/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, **202 382-9744**

RIN: 0575-AA28

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

83. STRENGTHENING THE FMHA BUSINESS AND INDUSTRIAL GUARANTEED LOAN PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1980

Completed:

Reason	Date	FR Cite
Final Action	03/04/87	52 FR 6498
Final Action Effective	03/04/87	52 FR 6498

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA17

84. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT

Significance: Regulatory Program

CFR Citation: 7 CFR 1924; 7 CFR 1901; 7 CFR 1944

Completed:

Reason	Date	FR Cite
Final Action	03/13/87	52 FR 7998
Final Action Effective	05/13/87	52 FR 7998

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA21

85. IMPLEMENT NEW REGULATION CONCERNING REFERRAL TO COLLECTION AGENCIES

CFR Citation: 7 CFR 1951

Completed:

Reason	Date	FR Cite
Withdrawn	09/30/87	

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA26

86. REVISIONS OF PROCEDURE REGARDING PREPAYMENT OF MULTI-FAMILY HOUSING LOANS

Significance: Agency Priority

CFR Citation: 7 CFR 1930-C; 7 CFR 1944; 7 CFR 1965; 7 CFR 2.23; 7 CFR 2.70

Completed:

Reason	Date	FR Cite
Final Action	06/30/87	52 FR 24282
Final Action Effective	06/30/87	52 FR 24282

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA30

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Proposed Rule Stage

87. WAIVER SIMPLIFICATION: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2014(b)

CFR Citation: 7 CFR 273; 7 CFR 273.21

Legal Deadline: None.

Abstract: This rule modifies Food Stamp regulations to reflect concerns raised about the effect of the numerous waiver requests by State agencies. In particular, Monthly Reporting and Retrospective Budgeting is reviewed to eliminate numerous waivers through incorporation of different or broader principles. (FNS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	
Final Action	04/30/88	

USDA—FNS **Proposed Rule Stage**

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA02

88. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2013(b)

CFR Citation: 7 CFR 253

Legal Deadline: None.

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	05/30/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA09

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Final Rule Stage

89. ISSUANCE LOSS LIABILITY: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2016; 7 USC 2020(e)(20)

CFR Citation: 7 CFR 274; 7 CFR 276

Legal Deadline: None.

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process. (FNS 84-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
NPRM	04/09/86	51 FR 12268
Final Action	10/31/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA05

90. FOOD DISTRIBUTION PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Legal Deadline: None.

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Interim Final Rule	09/30/87	
Final Action	09/30/88	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA07

91. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 273; 7 CFR 280

Legal Deadline: None.

Abstract: This rule would define special eligibility and issuance procedures during declared disasters. (84-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/31/87	
Final Action	05/31/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA24

92. ADMINISTRATIVE REVIEW PROCESS AND QUALITY CONTROL ARBITRATION PROCEDURES: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2023(a); 7 USC 2025(c),(d)

CFR Citation: 7 CFR 276.7

Legal Deadline: None.

USDA—FNS **Final Rule Stage**

Abstract: FNS is leaving administrative review process as is currently in regulations. FNS is maintaining a two-tier arbitration process and establishing timeframes for submission of requests and conduct of arbitration reviews. (84-013)

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	51 FR 9821

Next Action Undetermined

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA46

93. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f)

CFR Citation: 7 CFR 273

Legal Deadline: None.

Abstract: This rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both program's rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	08/31/87	
Final Action	03/31/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA52

94. SIMPLIFIED APPLICATION AND STANDARDIZED BENEFITS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 2011 to 2027; 91 Stat 958

CFR Citation: 7 CFR 282.19

Legal Deadline: None.

Abstract: This rule addresses the simplified application and standardized benefit provisions contained in the Food Security Act of 1985. These provisions should result in reductions in administrative costs and, depending on the benefit standardization procedures used, significant reductions in error rates. (FNS 86-010)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA62

95. ADMINISTRATION/MANAGEMENT: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Secs 1524, 1530, 1526, 1535, 1539

CFR Citation: 7 CFR 272.4; 7 CFR 272.3; 7 CFR 273.18; 7 CFR 275.15

Legal Deadline: Statutory, April 1, 1987.

Abstract: This regulation implements the following five provisions of the Food Security Act of 1985: (1) sets standards for the periodic review of food stamp offices' hours of operation; (2) requires State agencies to encourage participation in the Expanded Food and Nutrition Education Program (EFNEP); (3) requires project areas with 5,000 or more households to establish units to detect fraud; (4) allows State agencies to enter into agreements with State agencies administering Unemployment Compensation laws so that food stamp State agencies can collect outstanding claims by withholding unemployment benefits and/or other methods of collecting claims when recoupment is not an available method; (5) requires the Department to require State agencies to change the certification procedures used in project areas where it is determined that payment error rates are impairing the integrity of the program. (FNS 86-011)

Timetable:

Action	Date	FR Cite
NPRM	03/09/87	52 FR 7158
Final Action	09/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA63

96. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN: ADMINISTRATIVE FUNDING FORMULA

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246.16(c)

Legal Deadline: None.

Abstract: The Department proposes to amend the WIC Program Regulations concerning the administrative and program services funding formula. There are two objectives in amending this formula: First, to give all State agencies funds to provide equivalent service to participants and management oversight; second, to remove existing disincentives for State agencies to reduce food costs in order to serve more participants. The Department proposes to allocate funds to State agencies for administrative and program services costs primarily on the basis of participation. With the administrative and program services funds tied more closely to participation, the Department expects that use of this formula would more equitably allocate available funds to meet the administrative and program services costs in State agencies and would remove disincentives for reducing food costs to serve more participants. Use of this formula would begin with the Fiscal Year 1988 funds allocation.

Timetable:

Action	Date	FR Cite
NPRM	07/17/87	52 FR 27005
NPRM Comment Period End	08/31/87	
Final Action Effective	09/30/87	

Small Entity: No

Agency Contact: Deborah McIntosh, Branch Chief, Program Analysis & Monitoring Branch, Supplemental Food Programs Division, Department of Agriculture, Food and Nutrition Service, **202 756-3710**

RIN: 0584-AA70

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

97. REIMBURSING WORKFARE'S ADMINISTRATIVE COSTS: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 273.22

Completed:

Reason	Date	FR Cite
Withdrawn	08/27/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA20

98. FORFEITURE - FOOD STAMP PROGRAM

CFR Citation: 7 CFR 278

Completed:

Reason	Date	FR Cite
Withdrawn	08/27/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA40

99. QUALITY CONTROL SYSTEM: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 275

Completed:

Reason	Date	FR Cite
Withdrawn	08/27/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA64

100. RETAILER/WHOLESALER PROVISIONS: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 278

Completed:

Reason	Date	FR Cite
Final Action	04/22/87	52 FR 13220
Final Action Effective	04/01/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA67

101. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN: FUNDING FORMULA

Significance: Agency Priority

CFR Citation: 7 CFR 246.2; 7 CFR 246.16(b); 7 CFR 246.16(c); 7 CFR 246.16(e); 7 CFR 246.16(f)

Completed:

Reason	Date	FR Cite
Final Action	07/02/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Deborah McIntosh 202 756-3710

RIN: 0584-AA69

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Prerule Stage

102. ADMINISTRATIVE REGULATIONS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 44 USC 3501 et seq; 5 USC 601 et seq; 7 CFR 1; EO 12291

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335; 9 CFR 381

Legal Deadline: None.

Abstract: The Agency will review administrative requirements for applying for, granting, refusing, inaugurating, and withdrawing inspection; detaining, seizing, and condemning meat and poultry products; assigning program employees; designating States and territories and providing reimbursable services; scheduling of operations, and for overtime and holiday services.

Would also determine adequacy of current regulations as they relate to petitioning the Agency for regulatory change and informing interested persons of Agency procedures for appeal in the event of adverse determinations. (FSIS 83-009)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	12/31/88	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA02

103. TRANSPORTATION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Legal Deadline: None.

Abstract: The Agency will review Parts 325 and 381 Subpart S, of Title 9 of the Code of Federal Regulations relating to requirements on the movement of product between inspected facilities to determine if they reflect current Agency practice and whether they impose unnecessary burdens on industry. (FSIS 85-003)

Timetable:

Action	Date	FR Cite
Begin Review	12/01/86	
End Review	06/30/88	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA19

104. ● ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION OF PRODUCTS INTO THE UNITED STATES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None.

Abstract: FSIS will review the import eligibility provisions of regulations promulgated under the Federal Meat

USDA—FSIS **Prerule Stage**

Inspection Act and Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	10/31/88	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, PP, Department of Agriculture, Food Safety and Inspection Service, Room 105-Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA55

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Food Safety and Inspection Service (FSIS)

105. SWINE IDENTIFICATION AT OFFICIAL SLAUGHTERING ESTABLISHMENTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 320

Legal Deadline: None.

Abstract: FSIS, possibly in conjunction with APHIS and/or other agencies, is proposing a swine identification program to provide a means for USDA and other public agencies to determine the origin of trichinae-infected or otherwise diseased swine, and of pork found to be contaminated with harmful chemical residues, and thereby permit the causes of such conditions to be found and recurrences to be prevented to the benefit of all concerned. (FSIS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Douglas Berndt, Director, Slaughter Inspection Standards & Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583-AA25

106. VARIOUS AMENDMENTS TO ACCOMMODATE INSPECTION OF MEAT FOOD PRODUCTS UNDER TITLE IV OF THE FUTURES TRADING ACT OF 1986

Significance: Regulatory Program

Legal Authority: PL 99-641, Title IV

CFR Citation: 9 CFR 301 to 335

Legal Deadline: None.

Abstract: In November, 1986, PL 99-641 amended the Federal Meat Inspection Act to permit the Department to vary the manner and frequency by which it conducts inspection in establishments producing meat food products. All existing inspection regulations are based upon and reflect the previous statutory requirement that Federal inspectors be continuously present in such establishments. FSIS must develop new inspection procedures to allocate inspection resources among such establishments based on a variety of factors, including (1) the nature and frequency of the processing operations, (2) the adequacy and reliability of the processing control and sanitary procedures, and (3) the establishment's history of compliance with inspection requirements. The meat inspection procedures will touch upon virtually all existing meat regulations concerning inspection of meat food products. Details of these new procedures and the specific proposed regulatory amendments will be developed upon the conduct in 1987 of a pilot program to test alternative procedures in selected plants.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	12/30/87	
Final Action	03/30/88	

Small Entity: Undetermined

Agency Contact: Judith Segal, Director, Policy and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Room 327-E, Administration Building, Washington, DC 20250, 202 447-6525

RIN: 0583-AA26

107. REQUIREMENTS FOR PARTIALLY RENDERED PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None.

Abstract: Would establish a standard of identity and composition, and would provide temperature and handling requirements for partially defatted meat products. Would also allow for use of these products in a greater number of meat food products at higher use levels.

Current regulation is not adequate to assure accurate labeling or to prevent commercial misrepresentation of such products.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/85	50 FR 34157
ANPRM Comment Period End	01/21/86	
NPRM	11/15/87	
NPRM Comment Period End	01/15/88	
Final Action	07/15/88	
Final Action Effective	08/15/88	

Small Entity: Undetermined

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583-AA27

108. CONTROL OF SALMONELLA AND OTHER ENTERIC BACTERIA IN MEAT AND POULTRY PROCESSING

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None.

Abstract: Would permit an official meat or poultry establishment that has

voluntarily developed effective microbiological controls for fresh packaged meat or poultry products to submit plans and records of such control systems to FSIS for approval. If the Administrator determines a control system to be adequate for the purpose of minimizing naturally occurring microbiological contaminations, he will approve the system, and the establishment will be permitted to use special labeling that acknowledges the use of an approved control system.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: W. H. Dubbert, Assistant Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, Room 401- Cotton Annex, Washington, DC 20250, **202 447-2326**

RIN: 0583-AA28

109. VERIFIED PRODUCTION CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 323; 9 CFR 381

Legal Deadline: None.

Abstract: Would create a voluntary program available to all establishments which would permit label claims concerning how an animal was raised to appear on meat and poultry products subject to USDA's ability to verify such claims.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	
NPRM Comment Period End	11/01/87	

Small Entity: Undetermined

Agency Contact: Dr. W. R. Miller, Director, Residue Evaluation and Planning Division, Science, Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, **202 447-2326**

RIN: 0583-AA29

110. DETERMINATION OF ADDED WATER IN COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None.

Abstract: Would publish protocols for determining compliance of meat food products with current added water standards. Would differentiate in such products protein derived from meat and meat byproducts from protein derived from other sources. Would ensure that similar, competing ingredients for cooked sausages are treated consistently.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	
NPRM Comment Period End	10/19/87	
Final Action	04/15/88	
Final Action Effective	05/15/88	

Small Entity: No

Agency Contact: Margaret O'K Glavin, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, **202 447-6042**

RIN: 0583-AA30

111. SULFONAMIDES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None.

Abstract: Would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM Comment Period End	02/15/87	
NPRM	11/15/87	
Final Action	06/15/88	
Final Action Effective	07/15/88	

Small Entity: Undetermined

Agency Contact: R. E. Engel, Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, **202 447-2326**

RIN: 0583-AA31

112. ● CATTLE POST - MORTEM INSPECTION PROCEDURES AND STAFFING PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 310

Legal Deadline: None.

Abstract: This proposed rule would improve post-mortem inspection procedures for cattle which will result in maximum inspection efficiency and increased productivity. By modernizing cattle inspection procedures, FSIS would increase its inspection productivity while assuring that only wholesome meat enters domestic commerce.

It is anticipated that the meat industry will experience a net gain if this system of inspection is implemented in spite of the initial costs of facility modifications which may be necessary in some establishments. Savings to the industry as a whole should occur because of increased productivity and reduced overtime.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/30/87	
Final Action	04/01/88	

Small Entity: No

Agency Contact: Douglas Berndt, Director, Slaughter Inspection Standards & Procedures, Department of Agriculture, Food Safety and Inspection Service, U. S. Department of Agriculture, Food Safey and Inspection Service, Room 4444 South Bldg., Washington, DC 20250, **202 447-3219**

RIN: 0583-AA32

113. ● ELIMINATION OF SEALING REQUIREMENT FOR RENDERED EDIBLE ANIMAL FAT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 316; 9 CFR 317

Legal Deadline: None.

Abstract: This proposed rule would amend the Federal meat inspection regulations to allow inspected and passed rendered edible animal fat transported in properly labeled tank cars or trucks to move in commerce without an official seal. Currently, establishments which process and then transport edible animal fat to another establishment must have the means of conveyance sealed with an official seal by a program employee. Establishments receiving the officially sealed product must have the seal broken by a program employee. This action would remove a restrictive sealing requirement that no longer appears to be necessary.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Div, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 2158 South Bldg., Washington, DC 20250, **202 447-3840**

RIN: 0583-AA36

114. ● SWINE IDENTIFICATION AND RECORD KEEPING AT MARKETS AND AT OFFICIAL SLAUGHTERING ESTABLISHMENTS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 88; 9 CFR 309; 9 CFR 310; 9 CFR 320

Legal Deadline: None.

Abstract: This proposed rule would enable FSIS, in conjunction with APHIS, to establish an identification system for swine moved, sold, or presented for inspection at markets or at recognized slaughtering establishments. This would enable officials to determine, in a timely manner, the names and addresses of owners and the location of premises of herds of origin. USDA is proposing this action as a means of increasing the effectiveness of swine disease control, eradication, and monitoring programs, and to deter marketing of pork products adulterated with drug residues or with contaminants.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standards, and Procedures, Department of Agriculture, Food Safety and Inspection Service, Rm. 4444-S. Bldg, Washington, DC 20250, **202 447-3219**

RIN: 0583-AA39

115. ● USE AND LABELING OF BLOOD COMPONENTS AS INGREDIENTS IN MEAT FOOD PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 317

Legal Deadline: None.

Abstract: This proposed rule would amend the Federal meat inspection regulations to provide regulatory authority for the use of blood components in meat food products and to define labeling requirements for products containing blood components. At the present time, the regulations only address the use of whole blood in meat food products and labeling for products containing whole blood. The proposed rule would amend these sections and establish uniform standards for both whole blood and blood components.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/29/88	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, **202 447-4293**

RIN: 0583-AA42

116. ● USE OF LACTIC ACID AND ACETIC ACID AS ANTI-MICROBIAL AGENTS ON MEAT AND POULTRY CARCASSES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None.

Abstract: This proposed rule would amend Federal meat and poultry products inspection regulations by allowing lactic acid and acetic acid to be applied to meat and poultry carcasses for the purpose of reducing microbial contamination.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, **202 447-4293**

RIN: 0583-AA43

117. ● GLUCONO DELTA LACTONE AS AN ACIDIFIER IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None.

Abstract: This final rule will respond to a petition submitted by Finnsugar Biochemicals, Inc., for approval for the use of glucono-delta-lactone (GDL) as the "acidulant" in a process for manufacturing "restructured meat products." The petitioner wants to use GDL as the acidifier in a USDA-approved binder matrix for restructured meat products which currently employs sodium alginate, calcium carbonate, encapsulated lactic acid, and calcium lactate. GDL would replace lactic acid as the acidifier for this use.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection

Service, Rm 311-Annex Bldg., Washington, DC 20250, **202 447-4293**

RIN: 0583-AA46

118. ● REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None.

Abstract: This proposed rule would respond to amendments made to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat products to the United States. The amendments also provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Agency Contact: William Havlik, Assistant Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room - 341 E, Administration Bldg., 14th & Independence Ave., SW, Washington, DC 20250, **202 447-2644**

RIN: 0583-AA47

119. ● USE OF AIR FOR CARCASS HIDE REMOVAL

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310

Legal Deadline: None.

Abstract: This proposed rule would amend the Federal meat inspection regulations to allow the use of air to facilitate hide removal. Any establishment interested in using air for such purpose would be required to submit proposed procedures to FSIS for approval prior to its use.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	
NPRM Comment Period End	01/01/88	
Final Action	03/01/88	
Final Action Effective	04/01/88	

Small Entity: No

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standards, and Procedures, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 4444-South Bldg., Washington, DC 20250, **202 447-3219**

RIN: 0583-AA48

120. ● TRICHINA CONTROL REQUIREMENTS FOR DRY-CURED HAM

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None.

Abstract: This proposed rule would amend the Federal meat inspection regulations by incorporating the dry-cured ham research study findings. This study evaluated the efficiency of present procedures in the commercial production of dry-cured hams and determined the combinations of curing time, temperature, salt concentration, and water activity necessary to inactivate t. spiralis.

Timetable:

Action	Date	FR Cite
NPRM	01/30/88	
NPRM Comment Period End	04/30/88	
Final Action	12/15/88	

Small Entity: No

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 2158-South Bldg., Washington, DC 20250, **202 447-3840**

RIN: 0583-AA49

121. ● MOVEMENT OF IMPORTED PRODUCT PRIOR TO REINSPECTION

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None.

Abstract: This proposed rule would prohibit any transportation of imported meat and poultry products from the port of first arrival until reinspected by FSIS. Responds to 1987 Office of Inspector General (OIG) report that noted physical and administrative control problems over product shipped to other locations after entering the United States before it had received reinspection. Based on the above, OIG recommended that FSIS take action to require that all imported products be reinspected at the port of first arrival rather than at its final destination.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	

Small Entity: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, FSIS, Department of Agriculture, Food Safety and Inspection Service, Rm. 4332-South Bldg., 14th & Independence Ave., SW, Washington, DC 20250, **202 447-2952**

RIN: 0583-AA53

122. ● USE AND PROTECTION OF APPROVED WATER SYSTEMS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 42 USC 3007 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None.

Abstract: This proposed rule would prescribe acceptable conditions for the reuse of water in official establishments. This rule would outline methods protecting the potable water supply and describe conditions of use of fresh water. In addition, the rule would also consolidate and make uniform pre-existing policies for the use and reuse of water and brine.

Timetable:

Action	Date	FR Cite
NPRM	01/01/88	

Small Entity: No

Agency Contact: Michael J. Rose, Acting Director, Facilities, Equipment, and Sanitation Div., Department of Agriculture, Food Safety and Inspection Service, Room 1140 South Bldg., Washington, DC 20250, **202 447-3885**

RIN: 0583-AA54

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Food Safety and Inspection Service (FSIS)

123. STANDARD FOR FRANKFURTERS AND SIMILAR COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None.

Abstract: USDA has been petitioned by the American Meat Institute (AMI) "to promulgate a standard of identity and composition for 'lite' sausage." The current cooked sausage standard includes various processed meat food products, such as frankfurters, hot dogs, weiners, viennas, bolognas, and knockwurst. The AMI petition requests a new standard for lower-fat "lite" sausage that would require not more than 22.5 percent fat and not less than 11.5 percent protein, as compared with 30 percent fat and 10 percent added water maximums in the existing cooked-sausage standard. FSIS proposed rule provides additional flexibility to enable industry to market lower fat products. The rule allows a combination of up to 40 percent added water and fat, with a 30 percent ceiling on fat content. The Agency also seeks comment on the option of deleting entirely the standard for cooked sausages. (FSIS 86-002)

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42239
NPRM Comment Period End	03/23/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Department of Agriculture, Food Safety and Inspection Service, Standards and Labeling Division, MPITS, Washington, DC 20250, **202 447-6042**

RIN: 0583-AA21

124. ● DISPOSAL OF LIVESTOCK CARCASSES AND PARTS CONDEMNED FOR BIOLOGICAL RESIDUES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 314

Legal Deadline: None.

Abstract: This proposed rule would amend the Federal meat inspection regulations governing methods of handling and disposing of livestock carcasses and parts condemned because they bear or contain biological residues. Current regulations do not require methods of disposal that preclude use of such carcasses or parts in nonhuman food such as animal feed. FSIS believes that such condemned articles must be destroyed by incineration or burial. This would make disposition of livestock carcasses and parts condemned for biological residues consistent with regulations which govern the disposition of poultry carcasses and parts condemned for biological residues.

Timetable:

Action	Date	FR Cite
NPRM	06/08/87	52 FR 21561
NPRM Comment Period End	08/07/87	
Final Action	10/30/87	
Final Action Effective	11/30/87	

Small Entity: No

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standards and Procedures, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 4444-South Bldg., Washington, DC 20250, **202 447-3219**

RIN: 0583-AA33

125. ● BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID, AND CALCIUM LACTATE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None.

Abstract: This final rule will permit the use of a binder complex approved for use in restructured meat products to be used in restructured poultry products in which binders are permitted, and will result in superior binding of chopped/ground/sectioned and formed poultry products.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	
Final Action Effective	01/31/88	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg, Washington, DC 20250, **202 447-4293**

RIN: 0583-AA34

126. ● IDENTIFICATION SERVICE FOR POULTRY

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 362

Legal Deadline: None.

Abstract: This final rule will provide a service to identify poultry and poultry products that have been federally inspected and passed, and so marked to identify them as inspected and passed. This would allow a warehouse or similar facility to divide such products into smaller portions or combine such products into larger units, while maintaining the identity of the product as federally inspected and passed.

Timetable:

Action	Date	FR Cite
NPRM	06/08/87	52 FR 21563
NPRM Comment Period End	08/07/87	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Mr. Bill F. Dennis, Director, Processed Products Inspection Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Room 2159-South, **202 447-3840**

RIN: 0583-AA35

127. ● RANDOM WEIGHT PACKAGES; STATEMENT OF NET WEIGHT DECIMAL PLACES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None.

Abstract: This final will allow net weight statements on random weight packages of meat and poultry products to be expressed in terms of three or more decimal places. Currently, these statements are limited to two decimal places. The rule would facilitate the use of modern weighing equipment and permit the statement of net weight on packages to be expressed in accordance with the weighing equipment's capabilities.

USDA—FSIS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	52 FR 24475
NPRM Comment Period End	08/31/87	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583-AA37

128. ● STREAMLINED INSPECTION SYSTEM FOR BROILERS AND CORNISH GAME HENS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None.

Abstract: This final rule will establish a new inspection system for broilers and cornish game hens in response to increased demands on Agency resources. The "streamlined inspection system" allows increased efficiency in the use of FSIS resources and those of the poultry industry while still providing consumers with wholesome, unadulterated products.

Certain changes in plant facilities are required but should result only in minor expenditures. The industry will realize gains through reduced charges for overtime, reduced workspace requirements, and increased productivity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/29/86	51 FR 3569
Final Action	12/01/87	

Small Entity: No

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standards and Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444 South Bldg., Washington, DC, 202 447-3219

RIN: 0583-AA38

129. ● ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM ASCORBIC, AND SODIUM CITRATE IN FRESH PORK CUTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None.

Abstract: This final rule will permit the use of ascorbic acid, citric acid, erythorbic acid, sodium ascorbate, and sodium citrate, singly or in combination to maintain the color of fresh pork cuts. Fresh pork cuts which have been treated to maintain color by the addition of these substances will be required to be labeled with a qualifying phrase, contiguous to the product name, which indicates that they have been treated to maintain color. Use of these substances will result in maintenance of color for a period of time equivalent to the microbiological shelf life of fresh pork cuts. This will permit extended distribution of pork cuts prepared and packaged in federally inspected establishments. The petitioner has supplied FSIS with sufficient information to satisfy the requirements of 9 CFR 318.7(a)(2) which provide for the issuance of a final rule. However, due to the potential significance of color maintenance through the use of added substances, this rule was published as an interim final rule with request for comments so that commercial and public comment can be obtained and considered prior to confirmation of the rule as final.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/86	51 FR 30052
ANPRM Comment Period End	12/22/86	
Final Action	06/15/88	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Room 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583-AA40

130. ● DETERMINATION OF "ADDED WATER" IN COOKED SAUSAGES

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None.

Abstract: This proposed rule would amend the Federal meat inspection regulations to define the method by which the Agency determines the quantity of added water in cooked sausages. Added water means any water not directly attributable to the meat, meat byproducts, mechanically separated (species), or poultry ingredients. The Federal meat inspection regulations limit the amount of added water to a maximum of 10 percent of the finished weight in cooked sausages. The amount of added water is determined by laboratory analysis and appropriate calculations. Discrepancies in the calculation of meat protein currently exist primarily due to the non-deduction from the total protein content of protein derived from certain non-meat protein sources. If the amount of protein derived from non-meat sources is not subtracted from the total protein content, it is possible that added water in excess of the 10 percent permitted by regulations would be present in the product. The proposed rule would correct this discrepancy.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 30925
Final Action Effective	08/01/88	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583-AA41

131. ● INGREDIENTS THAT MAY BE IDENTIFIED AS FLAVORS OR NATURAL FLAVORS WHEN USED IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None.

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to better define which substances should be permitted to be labeled as "flavors," "natural flavors," or "spices" on packages of meat and poultry products.

The proposed rule addresses the use of substances which are often added to products for the purpose of serving as flavor enhancers, emulsifiers, stabilizers, binders, extenders, and as nutrients. Most of the substances that would be affected by the proposed rule are proteinaceous materials, having nutritional value, and which may be considered foods, in their own right. The proposed rule would require that these substances be identified by their common or usual names, thereby informing consumers of the origin of these materials including the species and specific animal tissues from which they are derived, if animal in origin. The proposed rule is designed in part to address the personal, cultural, and religious concerns of consumers, as well as the allergies or sensitivities some consumers may have to some of the substances.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 30922
Final Action	07/01/88	
Final Action Effective	08/01/88	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, **202 447-6042**

RIN: 0583-AA44

132. ● SAFETY AND SANITATION REQUIREMENTS FOR ELECTRICAL STIMULATING EQUIPMENT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 308

Legal Deadline: None.

Abstract: This final rule will amend the Federal meat inspection regulations to specify safety and sanitation requirements for electrical stimulating (EST) equipment. Federally inspected establishments may use EST equipment to accelerate rigor mortis in slaughtered meat animals (cattle, sheep, swine, goats, horses, mules, or other equines). The safety requirements would protect inspection personnel working near that equipment from the hazard of potentially lethal electric shock or other injury. The sanitation requirements would prevent adulteration of the carcasses.

Timetable:

Action	Date	FR Cite
NPRM	04/16/87	52 FR 12422
NPRM Comment Period End	06/12/87	
Final Action	03/31/88	

Small Entity: No

Agency Contact: Michael J. Rose, Acting Director, Facilities, Equipment, and Sanitation Division, Department of Agriculture, Food Safety and Inspection Service, Rm 1140-South Bldg., Washington, DC 20250, **202 447-3885**

RIN: 0583-AA45

133. ● ANTIOXIDANTS IN FABRICATED STEAKS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None.

Abstract: This final rule will allow for the use of certain approved antioxidants in fabricated steaks for the purpose of retarding rancidity. Thus, cooked and raw fabricated steaks will be added to the list of meat products in which butylated hydroxyanisole (BHA), butylated hydroxytoluene (BHT), propyl gallate and tertiary butylhydroquinone (TBHQ) may be used.

Timetable:

Action	Date	FR Cite
Final Action	03/01/88	
Final Action Effective	04/01/88	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, **202 447-4293**

RIN: 0583-AA50

134. ● NOTICE OF PROCEEDINGS

Significance: Agency Priority

Legal Authority: PL 99-641, Sec 403 (c) (2)

CFR Citation: 9 CFR 335

Legal Deadline: None.

Abstract: This final rule will respond to change made in FMIA by Processed Products Improvement Act of 1986 which provides for prior notice and an opportunity to present views before a violation of FMIA is reported for criminal prosecution, except in cases where excepted by regulation. This rulemaking establishes exceptions to notice and opportunity to present views.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/27/87	52 FR 13827
Final Action	10/01/87	

Small Entity: No

Agency Contact: Robert W. Gonter, Assistant Deputy Administrator, Compliance Program MPIO, FSIS, Department of Agriculture, Food Safety and Inspection Service, Room 2933 - South Bldg., 14th & Independence Ave., SW, Washington, DC 20250, **202 447-7745**

RIN: 0583-AA51

135. ● REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: PL 99-198

CFR Citation: 9 CFR 381

Legal Deadline: None.

Abstract: This proposed rule would respond to an amendment made to the Poultry Products Inspection Act by Food Security Act of 1985. Amendment requires that all poultry or poultry products intended for export to the United States be subject to the same standards as domestic poultry products; it also requires that foreign countries implement species and residue testing programs at the point of slaughter for poultry and poultry products intended for export to the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	52 FR 15960
NPRM Comment Period End	08/30/87	
Final Action	12/15/87	

Small Entity: No

Agency Contact: William Havlik, Assistant Deputy Administrator, International Programs, FSIS, Department of Agriculture, Food Safety and Inspection Service, Rm. 341-E Administration Bldg., 14th &

USDA—FSIS **Final Rule Stage**

Independence Ave., SW, Washington, DC 20250. 202 447-2644

RIN: 0583-AA52

136. ● FACILITY AND EQUIPMENT REQUIREMENTS FOR THE STREAMLINED INSPECTION SYSTEM FOR BROILERS AND CORNISH GAME HENS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None.

Abstract: This proposed rule would establish certain critical dimensions for facilities at the inspection and reinspection stations for the streamlined inspection system that FSIS has concluded are appropriate and essential to assure optimum inspection performance under the new system. The costs related to complying with these requirements are expected to be minor and should be counterbalanced by positive benefits such as reduced overtime inspection, reduced workspace, and increased productivity through optimal line speeds.

Timetable:

Action	Date	FR Cite
NPRM	01/29/86	51 FR 3621
NPRM Comment Period End	02/28/86	
Final Action	11/30/87	

Small Entity: No

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standards, and Procedures, Department of Agriculture, Food Safety and Inspection Service, Rm 4444-S. Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583-AA56

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS) **Completed Actions**

137. RED MEAT SLAUGHTER REGULATIONS

Significance: Agency Priority

CFR Citation: 9 CFR 307; 9 CFR 309; 9 CFR 310; 9 CFR 311; 9 CFR 312; 9 CFR 313; 9 CFR 314; 9 CFR 316

Completed:

Reason	Date	FR Cite
End Review	06/16/87	

Small Entity: No

Agency Contact: G. E. McEvoy 202 447-3317

RIN: 0583-AA03

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS) **Proposed Rule Stage**

138. DETERMINATION OF THE MARKET STABILIZATION PRICE FOR SUGAR FOR FY 1988

Legal Authority: Presidential Proclamation 5002; dated November 30, 1982

CFR Citation: 7 CFR 6.300 to 6.302

Legal Deadline: None.

Abstract: This notice sets forth the market stabilization price for sugar for the period October 1, 1987 - September 30, 1988. The Market Stabilization Price is used to determine bond requirements and maximum liabilities under certain programs authorized by Presidential Proclamation No. 5002 of November 30, 1982 (47 FR 54269). The calculation of the Market Stabilization Price is provided for in 7 CFR 6.300-6.302 (50 FR 36040). (FAS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA20

139. DETERMINATION OF IMPORT QUOTAS ON SUGAR FOR FISCAL YEAR 1988

Legal Authority: Presidential Proclamation 4941; dated May 5, 1982

CFR Citation: Not applicable

Legal Deadline: Statutory. Import quotas on sugar for fiscal year 1987 must be announced (filed in Federal Register) no later than the 15th day of the month immediately preceding the calendar quarter during which such determination shall be in effect

Abstract: Presidential Proclamation 4941 dated May 5, 1982 amended headnote 3 of the Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) (Headnote 3) to establish a system of quotas for U.S. sugar imports. (FAS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA21

140. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: for future FY's: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amends the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended requires that this estimate be published in the Federal Register.

USDA—FAS **Proposed Rule Stage**

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA23

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Completed Actions

141. AMEND 7 CFR 1493 TO PROVIDE FOR INTERMEDIATE CREDIT GUARANTEES WHICH WILL GIVE U.S. EXPORTERS OR U.S. BANKS PROTECTION IN THE EVENT FOREIGN BANKS FAIL TO MAKE PAYMENT

CFR Citation: 7 CFR 1493

Completed:

Reason	Date	FR Cite
Withdrawn No changes or revisions planned in FY 88	08/21/87	

Small Entity: No

Agency Contact: Richard Finkbeiner 202 447-6713

RIN: 0551-AA19

142. DAIRY EXPORT INCENTIVE PROGRAM

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn No changes or revisions planned in FY 1988	08/21/87	

Small Entity: No

Agency Contact: Richard Finkbeiner 202 447-6713

RIN: 0551-AA22

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Prerule Stage

143. PART 219 PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None.

Abstract: The rules at 36 CFR 219 set forth the procedures and resource standards that guide development and approval of National Forest land and resource management plans as required by the National Forest Management Act of 1976.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/89	
End Review	10/00/89	

Small Entity: No

Additional Information: Review of these planning regulations is being rescheduled to allow completion of all forest plans. It is essential to orderly planning for National Forest System lands and resources that the planning process remain stable until all plans are completed. Review of 36 CFR 219 is therefore rescheduled to begin April 1989.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA50

144. APPEAL OF DECISIONS OF FOREST OFFICERS

Significance: Agency Priority

Legal Authority: 30 Stat 35 as amended sec 1; 16 USC 551cc, 472, 33 Stat 628

CFR Citation: 36 CFR 211.18

Legal Deadline: None.

Abstract: Forest Service rules at 36 CFR 211.18 establish the process and procedures by which the public may appeal a National Forest System management decision. The regulation is being reviewed as required by EO 12291. The Forest Service recognizes the administrative appeal process as useful and worthwhile, and considers it to be a valuable tool in conducting business. However, there are opportunities to make the process more efficient and less burdensome on the public while maintaining a useful forum within which to administratively resolve conflict.

Timetable:

Action	Date	FR Cite
Begin Review	03/10/87	
End Review	09/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA51

145. OFFICIAL FOREST SERVICE INSIGNIA

Legal Authority: 5 USC 301; 18 USC 701

CFR Citation: 36 CFR 264; 36 CFR 264.1; 36 CFR 264.2; 36 CFR 264.3; 36 CFR 264.4; 36 CFR 264.5

Legal Deadline: None.

Abstract: Since 1905 the Forest Service emblem, a fir-like tree in the center of a

shield has served to identify the Federal Agency responsible for protecting, managing, and developing the National Forests. Forest users and the public recognize it as a symbol of the organization. The Chief may authorize other uses of the insignia, i.e., public service, educational, and commercial purposes through the issuance of licenses. Rules governing the external use of the official insignia are set forth at 36 CFR Part 264. The rule authorizes commercial use for which a royalty is paid and for public use for which no royalty is paid. Review of the existing regulation will determine the need for licensed royalty payment and the need for changing reporting requirements from quarterly to annually. Current licensees will participate in the review process.

Timetable:

Action	Date	FR Cite
Begin Review	04/15/87	
End Review	03/31/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA59

146. ● 36 CFR 262 LAW ENFORCEMENT SUPPORT ACTIVITIES

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 262 "Law Enforcement Support Activit"

Legal Deadline: None.

Abstract: These rules describe awards the Forest Service is authorized to make for information leading to arrest and convictions of persons who start fires or otherwise destroy property on National Forests. Subpart B sets forth rules governing impoundment or removal of unauthorized personal property from National Forest System lands.

Review will focus on the adequacy of the rules for administration of the National Forests and whether changes in law or circumstances reveal the need for revision.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	09/30/88	

Small Entity: Not Applicable

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA65

147. ● 36 CFR 271 - USE OF "SMOKEY BEAR" SYMBOL

Legal Authority: 18 USC 711

CFR Citation: 36 CFR 271

Legal Deadline: None.

Abstract: The regulations govern how the name or image of "Smokey Bear" may be used, who may authorize the use of "Smokey Bear," and the use of official campaign materials, commercial licensing, and the association with the State Foresters and the Advertising Council. This review will focus on licensing and especially exclusive licenses and will consider counterpart regulations in Part 272-Use of "Woodsy Owl" Symbol as a possible approach.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	09/30/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA66

148. ● WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 292, Subpart B

Legal Deadline: None.

Abstract: The rules at 36 CFR 292, Subpart B govern joint administration of the Shasta and Clair Engle-Lewiston units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review will focus on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet congressional intent.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/87	
End Review	10/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA68

149. ● 36 CFR 261 PROHIBITIONS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261, Prohibitions

Legal Deadline: None.

Abstract: These rules declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties.

Review will examine the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	09/30/88	

Small Entity: Not Applicable

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box

USDA—FS **Prerule Stage**

96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA75

150. ● USE OF "WOODSY OWL" SYMBOL

Legal Authority: 7 USC 2201; 16 USC 528; 16 USC 529; 16 USC 530; 16 USC 531

CFR Citation: 36 CFR 272; 36 CFR 272.1; 36 CFR 272.2; 36 CFR 272.3; 36 CFR 272.4; 36 CFR 272.5; 36 CFR 272.6

Legal Deadline: None.

Abstract: Woodsy Owl was originated in the early 1970s by the Forest Service, the Federal Agency responsible for protecting, managing, and developing the National Forest. The symbol represents a fanciful owl who wears forest green colored slacks, a brown colored belt, a Robin Hood style forest green colored hat with a red colored feather and furthers the slogan "Give a Hoot, Don't Pollute." The Chief of the Forest Service may authorize the use of Woodsy Owl through the issuance of licenses for commercial use, under certain specified conditions, and for non-commercial educational purposes, at no charge, when use is public service and will contribute to public information and education concerning wise use of the environment and programs which foster maintenance and improvement of environmental quality. Rules concerning the external use of the Woodsy Owl symbol are set forth at 36 CFR Part 272. The rule authorizes commercial use for which a royalty is paid and for public use for which no royalty is paid. Review of the existing regulation will determine the need for licensed royalty payment and the need for changing reporting requirements from quarterly to annually. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	04/15/88	
End Review	10/31/88	

Small Entity: No

Additional Information: ABSTRACT CONT: Current licensees will participate in the review process.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA76

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Forest Service (FS)

151. ENTRANCE INTO PETERSBURG WATERSHED

Legal Authority: 16 USC 551; 16 USC 472; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.35

Legal Deadline: None.

Abstract: Rule restricts entry into watershed without approval of authorized officials of Petersburg, Alaska. Review of this rule has been completed and reveals a need to update the rule to comply with legislative changes enacted since promulgation of this rule, and to streamline administrative entry into the watershed, and permit recreation access to a certain portion of the watershed without written authorization. (FS 84-017)

Timetable:

Action	Date	FR Cite
Begin Review	04/21/86	51 FR 13835
End Review	08/01/86	
NPRM	09/08/87	52 FR 33829
Final Action	02/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA23

152. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None.

Abstract: Objective is to establish that the Land Status Record as the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 85-012)

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	12/15/87	
Final Action	04/00/88	
Final Action Effective	05/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA24

153. INGRESS TO AND EGRESS FROM NATIONAL FOREST SYSTEM LANDS

Legal Authority: PL 96-487, Sec 1323(a); 16 USC 3210(a)

CFR Citation: 36 CFR 251.53; 36 CFR 251.80

Legal Deadline: None.

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	12/00/87	
Final Action	03/00/88	
Final Action Effective	03/00/88	

Small Entity: No

USDA—FS

Proposed Rule Stage

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA31

154. PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.49; 36 CFR 223.50

Legal Deadline: None.

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make periodic payments on timber sales. As established by the act, the objective of periodic payments is to discourage speculative bidding on National Forest timber sales. A rule published 10/11/85 at 50 FR 41498 requires cash down payments and a periodic payment. However, to fully comply with the act, additional rules are required. This rule will be based on an evaluation of the effects of requiring annual payments, on consideration of procedures that would permit the pooling of payments, and on consideration of market-related contract adjustments. There are no alternatives to issuing this rule; it is required by the Federal Timber Sale Contract Payment Modification Act. (FS 85-014)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
NPRM	11/00/87	
NPRM Comment Period End	01/15/88	
Final Action	04/00/88	
Final Action Effective	05/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA33

155. USE RESTRICTIONS OF NATIONAL FOREST LANDS FOR THE PROTECTION OF MUNICIPAL WATER SUPPLIES

Legal Authority: 16 USC 475; 16 USC 552; 16 USC 551; 16 USC 1600 to 1610; 16 USC 1701

CFR Citation: 36 CFR 251.9

Legal Deadline: None.

Abstract: This action amends the regulation providing protection of municipal watersheds to conform to recent legislation, principally the National Forest Management Act (NFMA) and the Federal Land Policy and Management Act (FLMPA). (FS 86-003)

Timetable:

Action	Date	FR Cite
End Review	08/01/86	
NPRM Comment Period End	06/01/87	
NPRM	09/08/87	52 FR 33837
Final Action	02/01/88	
Final Action Effective	02/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA34

156. GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD, FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011; 31 USC 9701

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Legal Deadline: None.

Abstract: Minor amendments to 36 CFR 222, Subparts A and B are under consideration to (1) delete the portion pertaining to Grazing Advisory Boards since the authority for these Boards under FLMA expired 12/31/85, (2) refine the procedures for placing wild horses and burros in private maintenance and care, (3) clarify the notification allowed before cancelling a permit when lands grazed are to be devoted to another public purpose including disposal, and (4) delete the reference to the Granger-Thye Act concerning range improvements, and (5) authorize the Chief of the Forest Service to assess a service charge to recover the cost of processing grazing permit applications and permit waivers, and issuing grazing permits. (FS 86-004)

Timetable:

Action	Date	FR Cite
Review of Subpart B - notice of completion of review; no change in rules required	08/14/87	52 FR 30359
Subpart A		
NPRM	02/00/88	
NPRM Comment Period End	04/00/88	
Final Action	01/00/89	
Final Action Effective	02/00/89	

Small Entity: No

Additional Information: The dates projected are for proposed and final rules revising 36 CFR 222, Subpart A-grazing and livestock use. No further rulemaking activity is planned on Subpart B. The review of Subpart B pursuant to E.O. 12291 concluded that there is no need to revise these rules (See Timetable).

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA35

157. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 (Mineral Leasing Act)

CFR Citation: 36 CFR 251.58

Legal Deadline: None.

Abstract: The objective of the rulemaking is to establish the policy, procedures, and guidelines for recovering costs incurred by the Forest Service in the administration of special uses on National Forest System Lands. In addition, the rulemaking will propose minor clarifying amendments resulting from conclusion of review of the existing regulation. (RIN 0596-AA20) (FS 86-005)

USDA—FS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	12/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Additional Information: This rulemaking will incorporate actions under 0596-AA20.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA36

158. CONTROL OF SKEWED BIDDING ON NATIONAL FOREST TIMBER SALES

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.89

Legal Deadline: None.

Abstract: Timber may not be sold at less than appraised value. Skewed bidding enables bidders to tailor their bids to their competitive strengths. While skewed bidding can be advantageous to purchasers, it can also reduce Government receipts and increase Forest Service timber sale administration costs. These results were documented by the General Accounting Office (GAO/RCED-83-37). This proposal is made in partial response to the recommendations in that review. (FS 86-006)

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	48 FR 30417
NPRM	07/16/84	49 FR 28748
NPRM	01/30/87	52 FR 3027
Withdrawal of NPRM	05/15/87	52 FR 18399
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	
Final Action	04/00/88	
Final Action Effective	05/00/88	

Small Entity: No

Additional Information: Note: The dates projected for proposed policy publication are not firm. This document has been under OMB Regulatory Review, with no clearance yet received, since September 29, 1986.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA37

159. MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None.

Abstract: The objective of this action is to permit forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. The proposed action would clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	
Final Action	05/00/88	
Final Action Effective	05/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA38

160. REVISE THE DEFINITION OF "MECHANICAL TRANSPORT" AT 36 CFR 293.6(A)

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a)

Legal Deadline: None.

Abstract: The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a). Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "non living" or "living" power sources. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	
Final Action	06/00/88	
Final Action Effective	06/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA39

161. CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS ON THE COPPER/RIVER ADDITION AND COPPER RIVER-BERING RIVER PORTION, CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487, Title V

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into Law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as

supplemental by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	06/01/88	

Small Entity: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA41

162. LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716

CFR Citation: 36 CFR 254.1, (Revision); 36 CFR 254.15, (Revision)

Legal Deadline: None.

Abstract: Changes in existing regulations are needed to correct errors, delete obsolete portions, update to reflect current authorities, clarify ambiguities, and supplement by incorporating new requirements on negotiation and resolution of disputes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/29/88	
Final Action	06/30/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA42

163. SMALL BUSINESS TIMBER SALE SET ASIDE PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 631

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The policy is designed to ensure that small business purchasers have the opportunity to purchase a fair proportion of National Forest Timber. The proposed policy is consistent with the current standards and establishes procedures for determining what share of timber volume small business will have the opportunity to bid on without competition from large business.

Timetable:

Action	Date	FR Cite
NPRM	11/21/84	49 FR 45889
NPRM Comment Period End	11/21/84	49 FR 45889
Final Policy	06/13/85	50 FR 24788
Request Comments on Final Policy	02/03/86	51 FR 4264
Revised Proposed Policy	09/25/87	52 FR 36075
Proposed Policy Public Comment Period End	11/00/87	
Final Action	04/00/88	
Final Action Effective	04/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA43

164. DEFINITION OF COMMON VARIETY MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 601; 30 USC 603; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Section 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Section 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None.

Abstract: Whether a mineral deposit is a "common variety" determines whether or not it can be disposed of or sold by the Government under the 1947 Mineral Materials Act. Judicial and administrative interpretations defining common variety characterization determinations can only be made in court. Rulings in common variety cases are generally unpredictable, and the costs to both the Government and miner are high.

After a review of the legislative history of the 1955 surface Resources Act, which defined common varieties, we believe that Congress did not intend for certain minerals to be locatable under the Mining Laws; however, a failure to explicitly define the "common variety" term has led to misinterpretation and actions contrary to the original intent of the law. It is proposed that 36 CFR 228 Subpart C be amended to clarify this confusing classification situation. We believe PL 167 expressly provides for this action as it allows the Secretary of Agriculture to dispose of mineral materials "under such rules and regulations as he may prescribe."

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
NPRM Comment Period End	02/01/88	
Final Action	06/01/88	
Final Action Effective	07/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA44

165. TIMBER SALE CONTRACT FORM REVISION AND PUBLISHING OF POLICY FORMS FS-2400-6 AND 2400-6T

Significance: Regulatory Program

Legal Authority: 16 USC 535; 16 USC 551; 16 USC 472a; 16 USC 607A; 16 USC 618; 42 USC 4461

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: The present timber sale contract Form FS-2400-6 was developed in September 1973, and the Form FS-2400-6T was developed in October 1973. Since these dates several Acts, Laws, and policy changes have necessitated deletion of existing provisions and inserting supplemental provisions. The need to revise these documents has

been recognized since the late 1970's. The revision will provide for clarification of provisions to reduce the potential for disputes between purchasers and the Forest Service. There will be no changes in the basic contract concepts except those dictated by law, regulation, and related policy. Comments from interested individuals and organizations will be utilized, as appropriate, in the formulation of the provision language.

Timetable:

Action	Date	FR Cite
Proposed Policy	03/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA45

166. LEASABLE MINERAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 36 CFR 228, Subpart E to H

Legal Deadline: None.

Abstract: This subpart will set forth the rules by which the Forest Service will process and respond to proposal received from the Department of the Interior (DOI) for the issuance of mineral licenses, prospecting permits and leases, and for the approval of operating plans. The Forest Service has no regulations at this time which has resulted in inconsistent and untimely responses to the DOI. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	
NPRM Comment Period End	02/15/88	
Final Action	05/15/88	
Final Action Effective	06/15/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA46

167. APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None.

Abstract: Regulations are needed to reduce confusion regarding the role of the Forest Service and its special-use authorization in permitting hydroelectric uses on National Forest System lands. The regulations objective will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

Title V, Section 501 of the Federal Land Policy and Management Act of 1976 (FLPMA) requires that fees be paid for the use of NFS land; regulations have not yet been established to put these fees in effect. The objective is to establish a fee system for hydroelectric uses. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed rule would take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/29/88	
Final Action	06/30/88	
Final Action Effective	07/30/88	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $2,033,000; Base Year for Dollar Estimates: 1986

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA47

168. LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None.

Abstract: To facilitate the orderly development of locatable minerals on the National Forest System public domain in an environmentally sound manner. Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
NPRM Comment Period End	02/01/88	
Final Action	08/01/88	
Final Action Effective	09/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA49

169. CREATE A NEW SUBPART C TO 36 CFR 264 ENTITLED NATIONAL SCENIC AND HISTORIC TRAIL SYMBOLS

Legal Authority: 5 USC 301

CFR Citation: 36 CFR 264

Legal Deadline: None.

Abstract: Objectives of this action are:

1. To establish a procedure for establishing official trail symbols for designated National Scenic and Historic Trails administered by the Forest Service.

2. To prescribe the conditions and terms for use of the symbols, including commercial use.

3. To establish the authorities to prosecute and revoke unauthorized use, and

4. To establish official symbols for several of the existing National Scenic and Historic Trails as required by law.

Two alternatives were evaluated--To protect these symbols and to not protect them. Protection was deemed to be in the best interest of the National Trails Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA54

170. GRAZING FEES; EASTERN AND SOUTHERN REGIONS

Significance: Regulatory Program

Legal Authority: 16 USC 551; 31 USC 483a; 43 USC 1901

CFR Citation: 36 CFR 222.53

Legal Deadline: None.

Abstract: Different grazing fee systems are used in the Eastern and Southern Regions of the Forest Service. The current system in the Eastern Region is market driven. The system in the Southern Region is based on a cost of livestock production/ability to pay methodology which currently results in below market fees. Two alternatives are being considered. The first would continue the two different fee systems in the eastern U.S. The second alternative would implement a uniform market driven fee system in both Regions. The advantages of this alternative over the first are:

(1) Competitive bidding with a minimum bid price would be fair and equitable to all parties, the livestock owners and the government.

(2) The fee system would be cost effective and economic to administer.

(3) The fee system would provide for investments in cost effective range improvements on National Forest System lands in the eastern states.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	04/00/88	
Final Action	12/00/88	
Final Action Effective	03/01/89	

Small Entity: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA55

171. SKI AREA TERM PERMITS

Significance: Agency Priority

Legal Authority: PL 99-522, Sec 3(c)

CFR Citation: 36 CFR 251.50, (Revision)

Legal Deadline: Statutory, October 22, 1987. A one-year deadline is specified in the law.

Abstract: P.L. 99-522 provides new authority and direction for granting permits authorizing ski development and operation. It requires promulgation of rules within one year of enactment. Current direction for issuing special use permits including ski areas is contained in 36 CFR 251.50 through 251.64. While most of the current direction will continue to apply, revisions will be necessary to respond to the special provisions of the law relating to permit duration and acreage to be authorized.

The law has the effect of eliminating the current need and practice to issue two permits to authorize a single resort to use more than 80 acres. Further, it authorizes the issuance of 40 year permits instead of 30 which has been the maximum in the past.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	06/00/88	
Final Action Effective	06/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA57

172. ● FREE USE TO ALASKAN SETTLERS, MINERS, RESIDENTS AND PROSPECTORS

Legal Authority: 16 USC 477; 16 USC 492; 16 USC 551; 16 USC 607a; 16 USC 612

CFR Citation: 36 CFR 223.10

Legal Deadline: None.

Abstract: The Forest Service tries to provide free use timber to persons in Alaska with few restrictions. Increased urbanization of existing towns, changing ownership patterns, and creation of new communities have made it more difficult to manage this program. The Forest Service proposes to limit the free use amounts to households rather than to individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	
NPRM Comment Period End	01/01/88	
Final Action	04/01/88	
Final Action Effective	05/01/88	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA69

173. ● INCREASE IN MINIMUM RATES CHARGED FOR TIMBER

Legal Authority: 16 USC 472a

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Minimum rates charged for timber have not been changed since 1979. The increased costs of preparing timber sales and the general increases in costs of logging and the price of timber have resulted in minimum rates that are disproportionately low. The action being considered is to increase minimum rates to account for inflationary increases since the rates were last changed.

USDA—FS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
NPRM Comment Period End	02/01/88	
Final Action	04/01/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Government Levels Affected: Local, Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, **202 235-1488**

RIN: 0596-AA73

174. ● SALE OF TIMBER WHERE TOTAL PUBLIC BENEFITS MAY NOT MEET OR MAY EXCEED TOTAL COSTS

Legal Authority: 16 USC 472a; 16 USC 475; 16 USC 616; 16 USC 1604; 16 USC 1613

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The Forest Service has been developing an accounting system to accurately track the total public benefits and total cost of the timber sale program on each national forest. The new system is to be installed on all forests before the start of FY 1989. The data generated by this effort will provide a basis for monitoring the implementation of Forest Plans. This proposal would establish additional procedures for evaluation of the accounting data when projected costs appear to exceed the total public benefits of the program. Under the proposal, unless there are other overriding public values, the timber sale program would be adjusted to a point where the total public benefits equal the total cost of the sales program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	07/15/88	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Government Levels Affected: Local, Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, **202 235-1488**

RIN: 0596-AA74

175. ● 36 CFR PART 222, SUBPART C - GRAZING FEES

Significance: Agency Priority

Legal Authority: 16 USC 551; 31 USC 1901; EO 12548

CFR Citation: 36 CFR 222.50 to .51

Legal Deadline: Judicial, October 7, 1987. Eastern District of California directed deadline for "Final Rulemaking" by beginning of 1988 grazing fee year (03/01/88). Final rulemaking must be published 01/20/88 to meet this Court Order. To meet date, proposed rule should be published 10/07/87.

Abstract: Grazing fees are charged for all livestock grazing on National Forest System lands. This proposed rule outlines the methodology for charging grazing fees in accordance with the formula prescribed in Executive Order 12548, February 14, 1986, for National Forests in the 16 Western States. This formula is basically the same formula enacted by Congress in 1978 under the Public Rangelands Improvement Act. The grazing fee is the $1.23 base value multiplied by the result of the Forage Value Index added to the Beef Cattle Price Index minus the Prices Paid Index, divided by 100. Fees may not raise or lower more than 25 percent of the previous year's fee and may never go below $1.35 per head month or head of livestock.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37483
NPRM Comment Period End	11/21/87	
Final Action	01/20/88	
Final Action Effective	01/20/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, **202 235-1488**

RIN: 0596-AA77

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Forest Service (FS)

176. DEBARMENT AND SUSPENSION OF TIMBER SALE CONTRACTORS

Legal Authority: 16 USC 551; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None.

Abstract: The objective is to set forth conditions and procedures under which purchasers of National Forest System timber may be suspended or debarred from further contracting. (FS 83-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/27/83	48 FR 23818
Extension of Interim Final Rule	07/11/84	49 FR 28241
NPRM Part III	01/23/86	51 FR 3158
Final Action	11/30/87	
NPRM Comment Period End	01/15/88	
Final Action	04/01/88	
Final Action Effective	05/01/88	

Action	Date	FR Cite
New proposed rule NPRM	12/01/88	

Small Entity: No

Additional Information: Since publishing the proposed debarment and suspension rules in January, 1986, the agency has determined that it may also be desirable for the debarring official to have authority to cancel a purchaser's existing contracts at the time of debarment. The agency is also considering whether there is a need to

expand or clarify the list of causes for debarment. Since the need for these revisions was not known at the time the proposed rule was published, the final rule shown in the timetable will not address these new issues. A separate rulemaking will be necessary to address the new issues. The estimated dates for the subsequent rulemaking are shown in supplemental timetable.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA09

177. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, Subpart D (new)

Legal Deadline: None.

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act of 2/8/87, as by Section 31, Act of 6/25/10 authorizes the Secretary of the Interior to make allotments of National Forest System Lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Recent litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes. The only alternative is not to issue regulations. This is unacceptable since it leaves the Agency vulnerable to future IBLA appeals cases as well as future litigation.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	52 FR 23473
Final Action	12/31/87	
Final Action Effective	02/01/88	

Small Entity: No

Affected Sectors: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA52

178. PROHIBITIONS; FOSSIL COLLECTING

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261

Legal Deadline: None.

Abstract: In response to comments from the scientific and academic communities and in keeping with the recommendations of the National Academy of Sciences "Report on Guidelines for Paleontological Collecting," the Forest Service is clarifying its regulations concerning fossil collecting on National Forest System lands. The language on "paleontological resources" is being moved to a separate paragraph and the requirement for permits is being limited specifically to quarrying for fossils and for commercial activities. The no-action alternative would be to leave the regulation of paleontological resources the same as for archeological resources, with permits needed for all activities. Since there is no evidence of widespread problems, the permit process imposes unnecessary burdens on the casual collector and creates added paperwork for the Forest officer to manage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/86	51 FR 30355
Final Action	02/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Additional Information: The change in dates for final rule is necessitated by decision to await final report from National Academy of Sciences on "Guidelines for Paleontological Collecting." Report now received.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA56

179. NON-COMPETITIVE DISPOSAL OF MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 601; 30 USC 603; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Sec 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Sec 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None.

Abstract: Existing regulations allow noncompetitive sale of mineral materials not in excess of 100,000 cubic yards in any individual sale or 200,000 cubic yards in any one State for the benefit of any entity in any period of twelve consecutive calendar months. The proposal would give the Forest Service flexibility in meeting requests for noncompetitive sales of large amounts of mineral materials when public property, health, and safety are threatened or when competition is impractical. The proposal is similar to rules governing mineral material sales by the Bureau of Land Management. Interim rulemaking is sought to resolve a situation in California where the volume restriction for noncompetitive sales may interfere with a mining claimant's statutory rights regarding locatable minerals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/02/87	52 FR 10564
Begin Review	07/01/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: Yes

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA60

180. ● REQUIRE INCREASED DOWNPAYMENTS FROM TIMBER SALE PURCHASERS WITH A HISTORY OF DEFAULT

Legal Authority: 16 USC 472a; 16 USC 618

USDA—FS **Final Rule Stage**

CFR Citation: 36 CFR 223.49, (Revised)

Legal Deadline: None.

Abstract: The Forest Service proposes to increase the downpayment that purchasers who have defaulted on past contracts must pay on new sales.

Timetable:

Action	Date	FR Cite
NPRM	05/20/87	52 FR 18926
NPRM Comment Period End	07/06/87	52 FR 18926
Final Action	11/01/87	
Final Action Effective	12/01/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA70

181. ● REVISE 36 CFR 223.178 REGARDING RELEASE OF CLAIMS AGAINST THE GOVERNMENT ON SALES OFFERED FOR GOVERNMENT BUYOUT

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.178

Legal Deadline: None.

Abstract: The Forest Service proposes to reconsider the requirement for release of a purchaser from further obligations under a contract selected for return to the government, and to clarify the requirements for completion of the buyout process authorized by the Federal Timber Contract Payment Modification Act.

Timetable:

Action	Date	FR Cite
NPRM	06/11/87	52 FR 22348
NPRM Comment Period End	08/12/87	52 FR 22348
Final Action	11/01/87	
Final Action Effective	12/01/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA71

182. ● REVIEW OF DECISIONS TO TERMINATE RECREATION RESIDENCE PERMITS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 211.18(b)

Legal Deadline: None.

Abstract: Certain recreation residence permits on National Forest land will terminate by 12/31/88. The decision to terminate was made 10 or more years ago. The Forest Service has agreed to review those decisions to determine if they are still valid. The rule will facilitate conducting these reviews by excluding their outcome from the Agency's administrative appeal process. Since most of the earlier decisions were appealed, this action will prevent duplicative appeals that would delay needed land management activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/87	52 FR 27547
Final Action	11/01/87	
Final Action Effective	12/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA72

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Completed Actions

183. PROHIBITIONS; POSSESSION AND STORAGE OF FOOD AND REFUSE IN CERTAIN NATIONAL FOREST AREAS

CFR Citation: 36 CFR 261

Completed:

Reason	Date	FR Cite
Final Action	05/11/87	52 FR 19346
Final Action Effective	06/22/87	52 FR 19346

Small Entity: Yes

Agency Contact: Marian P. Connolly 202 235-1488

RIN: 0596-AA48

184. RECREATION RESIDENCE AUTHORIZATIONS

Significance: Regulatory Program

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Extension of Public Comment	04/14/87	52 FR 17042

Small Entity: No

Agency Contact: Marian P. Connolly 202 235-1488

RIN: 0596-AA53

185. APPEAL OF DECISIONS OF FOREST OFFICERS; REVISION OF STAY PROCEDURES

Significance: Agency Priority

CFR Citation: 36 CFR 211.18

Completed:

Reason	Date	FR Cite
Final Action	06/18/87	52 FR 23175

Small Entity: No

Agency Contact: Marian P. Connolly 202 235-1488

RIN: 0596-AA58

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Proposed Rule Stage

186. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: 26 Stat. 653, Sec. 8; Reorg. No. IV of 1940

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None.

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: (Future) FINAL ACTION - Not needed at this time

(Future) END REVIEW - Not needed at this time

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578-AA01

187. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None.

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	
Next Action Undetermined		

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578-AA12

188. PROCEDURES FOR THE PROTECTION OF ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS-ASSISTED PROGRAMS

Significance: Agency Priority

Legal Authority: 16 USC 470f; 16 USC 469

CFR Citation: 7 CFR 656, (Revision)

Legal Deadline: None.

Abstract: The regulations address legal requirements set forth by the Advisory Council on Historic Preservation regulations, Protection of Historic Properties (36 CFR 800). The action is to remove and reserve six sections from the regulation to be more consistent with revised 36 CFR 800 and reduce requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, DC 20013, **202 447-4811**

RIN: 0578-AA13

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Final Rule Stage

189. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1986; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None.

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with state agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578-AA00

190. PRIME AND UNIQUE FARMLANDS

Legal Authority: 16 USC 590(a to f); 42 USC 4321 et seq; PL 95-87

CFR Citation: 7 CFR 657.1 to 657.5

Legal Deadline: None.

Abstract: Prescribes SCS policy on the development and maintenance of an inventory of prime and unique farmland of the Nation including the criteria and characteristics used in the identification of such lands. (SCS 83-007)

Timetable:

Action	Date	FR Cite
End Review	02/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578-AA10

191. FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: Statutory. 180 days after enactment of Food Security Act of 1985

USDA—SCS **Final Rule Stage**

Abstract: The United States Department of Agriculture amends its rule for implementing the Farmland Protection Policy Act to require progress reports, enable governors to bring action to enforce the requirements of the Act, include a section omitted by clerical error, revise how Federal agencies apply the Act, and revise the definition of farmland. These amendments are necessary in order to comply with amendments to the Farmland Protection Policy Act (FPPA) made by Title XII of the Food Security Act of 1985, Pub. L. 99-198, December 23, 1985, and to clarify several provisions of the existing rule. This rule will revise Part 658 of Title 7 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Affected Sectors: None

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, PO Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578-AA14

[FR Doc. 87-21232 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26 1987

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, III, IV, VIII, IX; Subtitle D, Ch. XXIII

19 CFR Ch. III

37 CFR Ch. I, IV

48 CFR Ch. 13

50 CFR Chs. I, II, III, VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: October 1987 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce (DOC) in April and October of each year publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next twelve months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the April 1987 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

DOC's October 1987 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 1987 through September 30, 1988.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, Telephone: (202) 377-3151.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291. The E.O. requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 87-16, issued June 25, 1987 establishes guidelines and procedures for the preparation and publication of the October 1987 Unified Agenda of Federal Regulations for all Federal departments and agencies. E.O. 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: the title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law or Executive Order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the Order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the Economic Development Administration, the International Trade Administration, the National Bureau of Standards, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by the National Bureau of Standards (NBS) under Pub. L. 89-306. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NBS works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. These FMPs regulate domestic and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishing management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs, or amendments to FMPs, for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the

draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC October 1987 regulatory agenda follows.

Dated: August 14, 1987.

Robert H. Brumley,

Deputy General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
192	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
193	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13
194	Program Fraud Civil Remedies	0690-AA14

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
195	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Commerce Programs	0690-AA06
196	Public Information	0690-AA15

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
197	Public Information, Freedom of Information (Fees)	0690-AA04

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
198	Benchmark Survey of Foreign Direct Investment in the United States - 1987	0691-AA08
199	Revisions in Reporting Requirements for Surveys of U.S. Trade in Services with Foreign Persons	0691-AA09
200	Implementation of Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons	0691-AA10
201	Rule to Change Reporting Criteria for Minority-Owned Foreign Affiliates on Form BE-11C of the Annual Survey of U.S. Direct Investment Abroad	0691-AA11
202	Increase in Exemption Levels for Foreign Direct Investment Surveys Conducted by BEA -- Quarterly Report Forms BE-605 and 606B and Annual Report Form BE-15	0691-AA12

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
203	BE-20, Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons	0691-AA03
204	Increase in Exemption Levels for Four Direct Investment Surveys Conducted by BEA -- Quarterly Report Forms BE-605 and 606B and Annual Report Forms BE-133B and 133C	0691-AA07

DOC

Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
205	Foreign Trade Statistics Regulations	0607-AA10

Bureau of the Census—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
206	Shipper's Export Declaration-Foreign Trade Statistics	0607-AA09

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
207	General Requirements for Financial Assistance - Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
208	Economic Development Administration: Property Management Standards	0610-AA07
209	Property Management Standards - Mortgages	0610-AA12
210	General Requirements for Financial Assistance -- Flood Insurance Program; and Environmental Requirements	0610-AA16
211	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
212	Overall Economic Development Program Public Works and Development Facilities Program	0610-AA19
213	Designation of Areas; Designation of PWIP Areas	0610-AA21
214	General Requirements for Financial Assistance; Unfair Competition	0610-AA22
215	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31
216	General Requirements for Financial Assistance-Nonrelocation	0610-AA32
217	General Requirements for Financial Assistance - Project Modification	0610-AA33
218	Protection of EDA's Interest in Facilities Acquired, Built, or Improved with EDA Grant Funds	0610-AA35
219	Liability for Toxic Wastes Associated with EDA Loans and Loan Guarantees	0610-AA36

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
220	General Requirements for Financial Assistance; Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA23
221	Notice of Availability of Funds - University Centers Program	0610-AA29
222	Civil Rights - Age Discrimination	0610-AA30
223	General Requirements for Financial Assistance - Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA34

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
224	Nonprocurement Debarment and Suspension	0605-AA02

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General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
225	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	0605-AA03

International Trade Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
226	Export Trade Certificates of Review	0625-AA27

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
227	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
228	Effect of Imported Articles on the National Security	0625-AA15
229	Sanctions for Violation of Antidumping and Countervailing Duty Protective Orders	0625-AA24
230	Annual Watch Quota Allocations	0625-AA25
231	Antidumping and Countervailing Duties; Modifications	0625-AA26

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
232	Adjustment Assistance for Firms and Industries	0625-AA05
233	Antidumping Duties; Countervailing Duties	0625-AA08
234	Revisions to Short Supply Regulations	0625-AA21

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
235	Antidumping and Countervailing Duties - De Minimis	0625-AA23

National Bureau of Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
236	FIPS for Information Resource Dictionary System (IRDS)	0693-AA38
237	FIPS for Codes for the Identification of Aquifer Names and Geologic Units	0693-AA44
238	FIPS for C Programming Language	0693-AA48
239	FIPS for Standard Generalized Markup Language (SGML)	0693-AA50
240	FIPS for Recorded Magnetic Tape Cartridge for Information Interchange; 4-Track, Serial, 0.250 in (6.30 mm), 6400 bpi (252 bpmm) Inverted Modified Frequency Modulation Encoded	0693-AA51
241	FIPS for Serial Recorded Magnetic Tape Cartridge for Information Interchange; Four and Five Track, 0.250 in (6.30 mm) 8000 bpi (315 bpmm) Streaming Mode Group Code Recording	0693-AA52
242	FIPS for One-Half Inch Magnetic Tape Interchange Using a Self Loading Cartridge	0693-AA53

DOC

National Bureau of Standards—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
243	FIPS for Recorded Formats for One and Two-Sided 5.25 Inch (130 mm) and 3.5 in (90 mm) Flexible Disk Cartridges	0693-AA54
244	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
245	FIPS for Device Level Interface for Streaming Cartridge and Cassette Tape Drives	0693-AA57
246	FIPS for Interfaces Between Flexible Disk Cartridge Drives and Their Host Controllers	0693-AA58
247	Revisions to FIPS 60, 61, 62, 63, 97, and 111, Computer System Input/Output (I/O) Interface Standards	0693-AA59
248	FIPS for Government Open Systems Interconnection Profile	0693-AA61
249	FIPS for Electronic Business Data Exchange	0693-AA62

National Bureau of Standards—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
250	FIPS for Basic Programming Language	0693-AA35
251	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
252	Revision to FIPS 29-1, Interpretation Procedures for Federal Information Processing Standard Programming Languages	0693-AA47
253	FIPS for Portable Operating System Environments (POSIX**)	0693-AA49
254	Review of FIPS 46, Data Encryption Standard	0693-AA60

National Bureau of Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
255	FIPS for Transport Protocol	0693-AA06
256	FIPS for Session Protocol Standard	0693-AA12
257	FIPS for Message Transfer Protocol	0693-AA17
258	FIPS PUB 127, Database Language SQL	0693-AA32
259	FIPS PUB 129, Optical Character Recognition (OCR) -- Dot Matrix Character Sets for OCR-MA	0693-AA33
260	FIPS PUB 126, Database Language NDL	0693-AA34
261	FIPS for Internetwork Protocol	0693-AA40
262	FIPS PUB 131, Small Computer System Interface (SCSI)	0693-AA41
263	FIPS PUB 130, Intelligent Peripheral Interface (IPI)	0693-AA42
264	FIPS PUB 128, Computer Graphics Metafile (CGM)	0693-AA45
265	FIPS PUB 5-2, Codes for the Identification of the States, the District of Columbia and the Outlying Areas of the United States, and Associated Areas	0693-AA56

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
266	Marine Fishery User Fees	0648-AB93
267	Performance Standards for Tuna Skippers	0648-AC07
268	Taking of Marine Mammals Incidental to Underwater Tests by the Department of the Navy	0648-AC08
269	Amendment 3 to the Pacific Coast Groundfish Fishery Management Plan	0648-AC18
270	Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries	0648-AC19

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
271	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom ETC	0648-AA46
272	Implementation of Fishery Management Recommendations - Regional Fishery Management Councils	0648-AB09
273	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
274	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
275	Amendment No. 5 to the Fishery Management Plan for the Spiny Lobster Fisheries of the Western Pacific Region	0648-AB81
276	Amendment 2 to the Fishery Management Plan for Atlantic Sea Scallops	0648-AB83
277	Resubmitted Portion of Amendment 1 to the American Lobster Fishery Management Plan	0648-AB89
278	Amendment 1 to the Swordfish FMP	0648-AB92
279	Safety of United States Observers Aboard Foreign Fishing Vessels	0648-AB94
280	Groundfish of the Bering Sea and Aleutian Islands - Amendment 11	0648-AB96
281	Amendment 2 to the American Lobster Fishery Management Plan	0648-AB97
282	Groundfish of the Gulf of Alaska - Amendment 16	0648-AB98
283	Amendment 8 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AB99
284	Amendment 3 to the High Seas Salmon Fishery Off the Coast of Alaska East of 175 E. Longitude	0648-AC00
285	Foreign Fishing Poundage and Permit Fees, 1988	0648-AC01
286	Amendment 2 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AC10
287	Amendment 1 for the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AC11
288	Amendment 3 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AC15
289	Amendment 1 Gulf of Mexico Reef Fish Fishery Management Plan	0648-AC16
290	Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC17
291	Amendment to Regulation Providing for Allocation of Pacific Halibut Among Domestic Fishermen	0648-AC20
292	Regulatory Amendment to the Fishery Management Plan for the Atlantic Swordfish Fishery - Extension of The Plan	0648-AC21
293	Proposed Regulations for the National Marine Sanctuary Program	0648-AA31
294	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
295	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
296	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
297	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
298	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68
299	Rulemaking to Implement 1985 Reauthorization of the Coastal Zone Management Act (CZMA)	0648-AC02
300	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
301	Proposed Regulations for the Point Reyes-Farallon Islands National Marine Sanctuary	0648-AC05
302	Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
303	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
304	U.S. General Standards for Grades of Shrimp	0648-AA47
305	Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife	0648-AA53
306	U.S. Standards for Grades of Fresh or Frozen North American Freshwater Catfish and Products Made Therefrom	0648-AA73
307	Foreign Fishing - Scientific Research	0648-AB23
308	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
309	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery off Alaska; Regulatory Amendment	0648-AB51
310	Regulations Governing the Harassment of Humpback Whales	0648-AB79
311	Amendment 1 to the Red Drum Fishery Management Plan for the Gulf of Mexico	0648-AB91
312	Amendment 1 to the Northeast Multispecies Fishery Management Plan	0648-AC04
313	U.S. Standards for Grades of Fish Fillets	0648-AC12
314	Amendment to the Regulations Implementing the Atlantic Sea Scallop FMP - Revise the Expiration Date of Fishing Permits	0648-AC13
315	Amendment to Regulations for Groundfish of the Gulf of Alaska, Bering Sea and Aleutian Islands Area - Reporting Requirements	0648-AC14
316	Regulatory Amendment Revising the Final Regulations Implementing the American Lobster Fishery Management Plan	0648-AC09
317	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34

DOC

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
318	Civil Procedures	0648-AA26
319	Atlantic Billfish and Sharks Fishery - Foreign Fishing Regulations	0648-AB33
320	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB40
321	Amendment for Alaska Groundfish and High Seas Salmon Fishery Management Plans - Close FCZ Intrusion into State Waters	0648-AB41
322	Reporting Requirements Governing Salmon Taken off Alaska and Delivered or Landed Outside Alaska	0648-AB44
323	Implementation of Fishery Management Recommendations	0648-AB57
324	Fishery Management Plan for Pacific Billfish Fisheries of the Western Pacific Region	0648-AB61
325	Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic - Amendment 1	0648-AB74
326	Sea Turtle Conservation; Shrimp Trawl Requirements	0648-AB86
327	Secretarial Amendment of the Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska	0648-AB90
328	Amendment 2 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AB95
329	Labeling Requirements for Frozen Fish Blocks and Products Therefrom	0648-AC06

National Telecommunications and Information Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
330	Public Telecommunications Facilities Program: Report and Order (Final Rules), Funding Priorities and Policy Statement	0660-AA01

Office of Productivity, Technology and Innovation—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
331	Administration of a Uniform Patent Policy with Respect to Domestic Rights in Inventions Made by Government Employees	0692-AA05

Office of Productivity, Technology and Innovation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
332	Licensing of Government-Owned Inventions	0692-AA04

Office of Productivity, Technology and Innovation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
333	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms	0692-AA01

DOC

Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
334	Deposit of Biological Materials for Patent Purposes	0651-AA13

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
335	Requests for Identifiable Records	0651-AA04
336	Variety Naming Requirements for Plant Patent Applications	0651-AA12
337	Trademark Applications	0651-AA23
338	Miscellaneous Amendments of Patent Rules	0651-AA25
339	Duty of Disclosure - Information Disclosure Statement	0651-AA27
340	Requests for Presidential Proclamations under the Semiconductor Chip Protection Act	0651-AA29

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
341	Trademark Automated Search System Fees	0651-AA18

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
342	Arbitration of Patent Interference Cases	0651-AA20
343	Rules for Extension of Patent Term	0651-AA22
344	Unity of Invention and Patent Cooperation Treaty, Chapter II	0651-AA26

United States Travel and Tourism Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
345	Travel Promotion Fee	0644-AA00

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of the Secretary (OS)

192. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Department wide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

DOC—OS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA08

193. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce has no formal uniform source evaluation procedures applicable to its procurement activities. Standardization of source evaluation procedures will alleviate potential inconsistencies among procurement professionals as well as potential Department Contractors relative to evaluation of proposals.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, 14th Street and Constitution Ave., NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA13

194. ● PROGRAM FRAUD CIVIL REMEDIES

Legal Authority: 31 USC 3809

CFR Citation: 15 CFR 25

Legal Deadline: None.

Abstract: This rule, if promulgated, would implement the Program Fraud Civil Remedies Act of 1986 which authorizes the Department of Commerce (and certain other Federal agencies) to impose through administrative adjudication civil penalties and assessments against persons making false claims or statements to it.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Jerry Walz, Chief, Contract Law Division, Room 5893, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-1122

RIN: 0690-AA14

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Final Rule Stage

195. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF COMMERCE PROGRAMS

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 15 CFR 8c

Legal Deadline: None.

Abstract: Regulations will be proposed providing for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended. These regulations will ensure programmatic and physical accessibility for handicapped individuals in Department of Commerce activities.

Timetable:

Action	Date	FR Cite
NPRM	11/24/84	49 FR 45861
NPRM Comment Period End	03/21/85	49 FR 45861
Final Action	10/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Richard Stearns, Chief, EEO Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, 14th and Constitution Avenue, NW, Washington, DC 20230, 202 377-5691

RIN: 0690-AA06

196. ● PUBLIC INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Legal Deadline: None.

Abstract: The existing regulations implementing the Freedom of Information Act are being revised to incorporate changes in the Department's policies and procedures affecting FOIA administration. Additionally, the revision adopts the provisions of E.O. 12600, Predisclosure Notification Procedures for Confidential Information, dated June 23, 1987. Section 4.9 of the regulations was completed on July 17, 1987, 52 FR 26951, to comply with the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15327
NPRM Comment Period End	06/12/87	52 FR 15327
Final Action Effective	10/00/87	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, US Department of Commerce, Washington, DC 20230, 202 377-3630

RIN: 0690-AA15

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed Actions

197. PUBLIC INFORMATION, FREEDOM OF INFORMATION (FEES)

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Legal Deadline: Statutory, April 25, 1987.

Abstract: The revised regulation would implement the amended fee provisions of the Freedom of Information Act (FOIA), P.L. 99-570. The amended FOIA, which was signed into law on October 27, 1986, requires a Government-wide uniform system for charging requests under the FOIA. The law specifies that agencies promulgate implementing regulations by April 25, 1987.

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15327
Final Action	07/17/87	52 FR 26951
Final Action Effective	08/17/87	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Office of Management and Organization, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-3271

RIN: 0690-AA04

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

198. BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES - 1987

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806.15; 15 CFR 806.17

Legal Deadline: Statutory. The survey must cover the year 1987.

Abstract: This action will amend existing rule 15 CFR Part 806.17 to provide for the conduct of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States -- 1987, as required by the International Investment and Trade in Services Act, 22 USC 3101 to 3108 (see especially Sec 4(b) of the Act). The existing rule covers a similar survey for 1980, which has been completed and which the new survey will update.

Timetable:

Action	Date	FR Cite
NPRM	09/09/87	
NPRM Comment Period End	11/10/87	
Final Action	01/23/88	
Final Action Effective	02/24/88	

Small Entity: No

Agency Contact: Betty L. Barker, Acting Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691-AA08

199. REVISIONS IN REPORTING REQUIREMENTS FOR SURVEYS OF U.S. TRADE IN SERVICES WITH FOREIGN PERSONS

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action will amend 15 CFR 801 to bring three existing BEA services surveys into conformance with the new BE-20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons -- 1986 and with its anticipated annual follow-on survey. Specifically, it will: (1) change the titles of the three surveys to clarify coverage. The title of the BE-47 survey will change to "Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons." The title of the BE-48 survey will change to "Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies With Foreign Persons." The title of the BE-93 survey will change to "Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons." (2) Amend 15 CFR 801.9(b) (4) to expand coverage of the BE-48 survey to include direct insurance as well as reinsurance transactions. In designing the BE-20 survey, it was decided to include direct insurance on the existing BE-48 survey rather than on the BE-20. (CONT.)

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Heretofore, no data on direct insurance transactions with foreign persons have been collected. (3) Amend 15 CFR 801 to revise the description of "Who must report" in the three surveys for clarification purposes; no substantive changes are intended. (4) Amend 15 CFR 801 to apply existing exemption levels for the BE-47 and 48 surveys to newly added items. No change in the exemption levels themselves is planned. For the BE-47 survey, the current exemption level will be applied to the gross book value of new contracts received. For the BE-48 survey, the current exemption level will be applied to primary insurance premiums received and primary insurance losses paid.

Agency Contact: Betty L. Barker, Acting Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691-AA09

DOC—BEA

Proposed Rule Stage

200. IMPLEMENTATION OF ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Agency Priority

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action will amend 15 CFR 801 by adding rules to implement a new annual follow-on survey to the BE-20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons--1986. The scope and coverage of the annual survey are expected to be more limited than that of the benchmark survey, with exact scope and coverage to be determined after analysis of preliminary results of the 1986 BE-20. Data from the annual survey will be used to derive universe estimates of covered services transactions in nonbenchmark years, thus updating the data collected in the benchmark survey. The first year of coverage will be 1987; the survey will not be taken for a year covered by the benchmark survey.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	05/00/88	
Final Action	06/00/88	
Final Action Effective	07/00/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $1,600,000; Yearly Recurring Cost: $1,600,000; Base Year for Dollar Estimates: 1988

Agency Contact: Betty L. Barker, Acting Chief, International Investment Div., Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691-AA10

201. RULE TO CHANGE REPORTING CRITERIA FOR MINORITY-OWNED FOREIGN AFFILIATES ON FORM BE-11C OF THE ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806.14(f)(3)(iii), (Revision)

Legal Deadline: None.

Abstract: This action will revise 15 CFR 806.14(f) (3) (iii) by lowering the percentage of ownership above which a minority-owned foreign affiliate must be reported on Form BE-11C of BEA's Annual Survey of U.S. Direct Investment Abroad. The ownership cutoff now used on the BE-11c is 25 percent. However, foreign business enterprises owned between 10 and 25 percent by a U.S. person are, by definition, also considered foreign affiliates and are thus part of the universe of U.S. direct investment abroad. Experience has shown that some of these affiliates with low ownership interests are, nevertheless, very large. Without the type of information collected on the form, data for such affiliates and, thus, for the universe as a whole, cannot be accurately estimated. For affiliates owned between 10 and 25 percent, only those with assets, sales, or net income greater than $100 million will be required to report. About 50 existing U.S. reporters would be required to file for about 100 additional foreign affiliates. The increase in burden would average about 3 hours per affiliate because only 7 data items (assets, sales, net income (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: U.S. merchandise exports and imports, employment, and employee compensation) are reported on the BE-11C.

Agency Contact: Patricia Walker, Chief, Direct Investment Abroad Branch, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 603, Tower Building, Washington, DC 20230, 202 523-0661

RIN: 0691-AA11

202. ● INCREASE IN EXEMPTION LEVELS FOR FOREIGN DIRECT INVESTMENT SURVEYS CONDUCTED BY BEA -- QUARTERLY REPORT FORMS BE-605 AND 606B AND ANNUAL REPORT FORM BE-15

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None.

Abstract: This action will raise the exemption levels for quarterly report Forms BE-605 (Transactions of U.S. Affiliates, Except on Unincorporated Bank, with Foreign Parent) and BE-606B (Transactions of U.S. Banking Branch or Agency with Foreign Parent) from $15 million to $20 million. It will also raise the exemption level for Form BE-15 (Annual Survey of Foreign Direct Investment in the United States) from $10 million to $20 million. The purpose of the action is to bring the exemption levels into conformance with those for Form BE-12 (LF) of the Benchmark Survey of Foreign Direct Investment in the United States -- 1987. As a result of the action, the number of reports filed by U.S. companies will be significantly reduced, thereby reducing both reporting and processing burden.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Agency Contact: Betty L. Barker, Acting Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691-AA12

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

203. BE-20, BENCHMARK SURVEY OF U.S. SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Regulatory Program

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action will provide for the conduct of a mandatory BE-20, Benchmark Survey of U.S. Services Transactions with Unaffiliated Foreign Persons, covering 1986, as required by the International Investment and Trade in Services Survey Act. The action will fill major gaps in data on international services transactions so the U.S. Government can better assess the size and impact of those transactions, more effectively formulate international economic policies and conduct negotiations to reduce the barriers to service trade, improve the recording of services transactions in the U.S. balance of payments accounts, and assist U.S. services businesses in identifying and evaluating market opportunities. It is anticipated that the benchmark survey will be followed by an abbreviated annual sample survey that will update the data from the benchmark survey. The annual costs to BEA of conducting the benchmark survey and the follow-up annual sample survey will be about $500,000. The cost to respondents of the benchmark survey will be about 100,000 manhours, or $3.0 million, and the cost of the annual sample survey will be about 55,000 manhours, or $1.6 million a year. The benefits in terms of reduction in (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/26/87	52 FR 5785
NPRM Comment Period End	04/27/87	52 FR 5785
Final Action	05/28/87	52 FR 19842
Final Action Effective	06/29/87	52 FR 19842

Small Entity: No

Additional Information: ABSTRACT CONT: barriers to services trade, increased sales of services, and improved balance of payments statistics will far exceed costs. A notice of proposed rulemaking to bring existing BEA surveys of U.S. services transactions under 22 USC 3101 to 3108, as amended, and to conduct a BE-20 Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons was submitted to OMB in August 1985, along with an information collection request for the benchmark survey. On 10/21/85, OMB disapproved the information request for the benchmark survey, largely because of respondent burden and the need to seek greater input from the business community in designing the survey. Subsequently, final rules -- 15 CFR Part 801 -- were approved covering the other existing surveys on U.S. services transactions. BEA has conducted a public outreach program to revise the BE-20 benchmark survey to meet OMB requirements. The action described herein will amend 15 CFR Part 801 to cover the revised BE-20 survey.

Public Compliance Cost: Initial Cost: $3,000,000; Yearly Recurring Cost: $1,600,000; Base Year for Dollar Estimates: 1986

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: Betty L. Barker, Acting Chief, International Investment, Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, **202 523-0659**

RIN: 0691-AA03

204. INCREASE IN EXEMPTION LEVELS FOR FOUR DIRECT INVESTMENT SURVEYS CONDUCTED BY BEA -- QUARTERLY REPORT FORMS BE-605 AND 606B AND ANNUAL REPORT FORMS BE-133B AND 133C

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None.

Abstract: This action will raise the exemption levels for quarterly report forms BE-605 (Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent) and BE-606B (Transactions of U.S. Banking Branch or Agency with Foreign Parent) from $10.0 million to $15.0 million. It will also raise the exemption levels for annual forms BE-133C (Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investments Abroad) and BE-133B (Followup Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investments Abroad) from $8.0 million to $10.0 million. The purpose of the action is to effect a reduction in the number of reports filed by U.S. companies, thus significantly reducing the reporting and processing burden.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	52 FR 42583
NPRM Comment Period End	01/25/87	52 FR 42583
Final Action	03/18/87	52 FR 08445
Final Action Effective	04/17/87	52 FR 08446

Small Entity: No

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, **202 523-0657**

RIN: 0691-AA07

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

205. ● FOREIGN TRADE STATISTICS REGULATIONS

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.92

Legal Deadline: None. Deadline is contingent upon legislation not yet passed.

Abstract: Review of CFR 30 for changes to conform with the new statistical classification (harmonized) system for imports and exports. This review will combine elements of housekeeping changes, updating obsolete information, clarification, bringing the system into line with harmonization (including

DOC—CENSUS **Proposed Rule Stage**

metric measurements) and conformance of reporting with current practices.

There should be no added burden or cost placed on the public because no additional information is required, nor new reporting requirements.

The benefits of these changes will be: allowing direct comparisons between U.S. imports and exports, enabling comparisons between the trade balances of the U.S. and of our major trading partners.

Once the legislation is passed, there is no alternative to making these changes in order to implement the legislation.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
Final Action	06/01/88	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: **Don L. Adams**, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, **301 763-5342**

RIN: 0607-AA10

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Final Rule Stage

206. SHIPPER'S EXPORT DECLARATION-FOREIGN TRADE STATISTICS

Legal Authority: 13 USC 301 to 307; 5 USC 301

CFR Citation: 15 CFR 30; 15 CFR 30.55(h)

Legal Deadline: None.

Abstract: It is proposed to amend the Foreign Trade Statistics Regulations to raise the present exemption for filing shipper's Export Declarations (except for shipments requiring a validated export license) from $1000 to $1500. The exemption for shipments through the U.S. Postal Service will remain at $500.

Timetable:

Action	Date	FR Cite
NPRM	04/24/87	52 FR 13714
NPRM Comment Period End	06/23/87	
Interim Final Rule	10/01/87	

Small Entity: No

Agency Contact: **Don L. Adams**, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, **301 763-5342**

RIN: 0607-AA09

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

207. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None.

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: **James F. Marten**, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA05

208. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None.

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with federal funds is being revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. As revised the change will clarify present requirements for property determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: **James F. Marten**, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and

Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA07

209. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Legal Deadline: None.

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Final Action	10/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA12

210. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- FLOOD INSURANCE PROGRAM; AND ENVIRONMENTAL REQUIREMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.15; 13 CFR 309.18

Legal Deadline: None.

Abstract: This rule amends EDA's regulation at 13 CFR 309.15 on Flood Hazard to reflect a shift in the administration of the Flood Insurance Program from the Department of Housing and Urban Development (HUD) to the Federal Emergency Management Agency (FEMA). It also updates environmental regulations at 13 CFR 309.18.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/86	51 FR 23042
Final Action	10/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7215, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA16

211. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	10/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Economic Development and Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. & Const. Ave., NW, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA18

212. OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None.

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/07/86	51 FR 24512
Final Action	10/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue NW, Room 7215, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA19

213. DESIGNATION OF AREAS; DESIGNATION OF PWIP AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None.

Abstract: 13 CFR Part 302 at Section 302.7 entitled "Designation of Public Works Impact Program Areas" is amended at paragraph (a)(4) to delete reference to submission of an Overall

Economic Development Program (OEDP) since under EDA's authorizing legislation, Public Works Impact Program (PWIP) projects need not meet OEDP requirements; and to add that although there are no boundary constraints for PWIPs under the Act, program considerations dictate that for an area to be given PWIP designation, it must be capable of analysis in light of available data establishing eligibility for designation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24302
Final Action	10/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7215, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA21

214. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; UNFAIR COMPETITION

Legal Authority: 42 USC 3211; Dept. of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at Sec 309.2 entitled "Unfair Competition" has been amended to change conditions under which EDA will conduct a study (verification and evaluation) called a "702 Study" of the capacity and demand for particular goods, materials, commodities, services or facilities. The amendment will narrow the unfair competition requirements for a "702 Study" by raising the threshold amount of projects from $10,000 to $25,000. Also, the unfair competition exceptions have been expanded to apply to all EDA financial assistance programs. Certain projects are exempt from "702 Study" requirements and the definition of retention of capacity and employment has been changed by deleting the word "existing."

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/86	51 FR 16292
Final Action	10/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7215, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA22

215. SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, **202 377-4678**

RIN: 0610-AA31

216. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE-NONRELOCATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.3

Legal Deadline: None.

Abstract: This rule will amend EDA's nonrelocation rule by changing the rate of interest to be charged when failure to abide by the nonrelocation rule results in termination of financial assistance provided by EDA. Interest will be at the rate used in Federal debt collection and discount evaluation under the Debt Collection Act. The rule will also state that the 48 month period for compliance by covered grantees is retroactive if the violation occurs after September 15, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/87	52 FR 21932
Final Action	10/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610-AA32

217. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - PROJECT MODIFICATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.26

Legal Deadline: None.

Abstract: The purpose of this amendment is to conform the statement of EDA's policy on project modification to guidelines established by the General Accounting Office on change of scope, by putting into regulatory language, that which has been actual EDA practice. The rule change provides standards and states that EDA will not allow project modification which would constitute a change of scope.

DOC—EDA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/87	51 FR 37175
Final Action	10/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610-AA33

218. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None.

Abstract: EDA intends to initiate regulatory action to protect its interests by: (1) enabling EDA to acquire liens in property purchased or improved with EDA grant funds; and (2) once EDA has such ownership rights in property, by enabling EDA to expend funds to protect and care for such property, including liquidation, litigation or any other necessary action. The latter regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds. The Department of Commerce Legislative Program for the First Session of the 100th Congress includes the submission of appropriate legislation to the Congress.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/87	
Proposed Legislation	00/00/00	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610-AA35

219. LIABILITY FOR TOXIC WASTES ASSOCIATED WITH EDA LOANS AND LOAN GUARANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA will undertake some action to enable it to minimize financial losses resulting from toxic waste on property it has acquired as a result of defaulted business loans and loan guarantees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610-AA36

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Completed Actions

220. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at Section 309.7 entitled "Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants" has been amended to conform, at subparagraph c to P.L. 99-180, December 13, 1985, to state that fees for services of attorneys and consultants in preparing applications for EDA financial assistance cannot be financed under P.L. 99-180; however, attorneys' and consultants' fees used to meet grant requirements, such as for example, conducting a title search or preparing plans and specifications, could be eligible project costs and paid for out of funds appropriated or otherwise made available under P.L. 99-180.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24303
Replaced by RIN-0610-AA34	08/27/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7215, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA23

DOC—EDA **Completed Actions**

221. NOTICE OF AVAILABILITY OF FUNDS - UNIVERSITY CENTERS PROGRAM

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA seeks to publish a Notice concerning intended changes in its University Center Program, if funds are appropriated beyond FY 1987. These changes would gradually reduce and ultimately end EDA funding. This will enable EDA to fund other qualified institutions.

Timetable:

Action	Date	FR Cite
Final Action	02/11/87	52 FR 4370

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610-AA29

222. CIVIL RIGHTS - AGE DISCRIMINATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 311

Legal Deadline: None.

Abstract: This rule will amend EDA's civil rights regulations to include recent final rules promulgated by the Department of Commerce (DOC) at 15 CFR Part 20 (DOC rule). The DOC rule establishes procedures to implement the Age Discrimination Act (The Act) of 1975, as amended. The Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. EDA needs to amend its regulations to assure conformity to the DOC rule.

Timetable:

Action	Date	FR Cite
Final Action	04/10/87	52 FR 11626

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610-AA30

223. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at section 309.7 entitled "Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants" will be amended to conform, at subparagraph c, to Pub. L. 99-500, October 18, 1986, to state that fees for services of attorneys and consultants in preparing applications for EDA financial assistance cannot be funded under Pub. L. 99-500, however, attorneys' and consultants' fees used to meet grant requirements, such as for example, conducting a title search or preparing plans and specifications, could be eligible project costs and paid for out of funds appropriated or otherwise made available under Pub. L. 99-500.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24303
Final Action	07/22/87	52 FR 27538

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610-AA34

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Proposed Rule Stage

224. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension

CFR Citation: 15 CFR Part undetermined

Legal Deadline: None.

Abstract: To eliminate duplicative and inconsistent debarment and suspension actions across the government. Private actions or actions by other levels of government would lack broad enough jurisdiction. This regulation will benefit the U.S. by eliminating duplicative and costly actions. Benefits have not been quantified at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th &

DOC—ADMIN Proposed Rule Stage

Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605-AA02

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Final Rule Stage

225. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 24

Legal Deadline: None.

Abstract: This action states the fiscal and administrative conditions governing grants to State and local governments and subrecipients which are state and local governments. It is intended to simplify and standardize the Federal grant process and eliminate redundant and inconsistent administrative requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21820
NPRM Comment Period End	08/10/87	
Interim Final Rule	03/00/88	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Robert M. McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, Room H6204, 14th Street and Constitution Ave., NW, Washington, DC 20230, 202 377-5817

RIN: 0605-AA03

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Prerule Stage

226. ● EXPORT TRADE CERTIFICATES OF REVIEW

Significance: Agency Priority

Legal Authority: 15 USC 4020

CFR Citation: 15 CFR 325

Legal Deadline: None.

Abstract: Changes in 15 CFR Part 325 may become necessary as a result of pending trade legislation.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 56972
Interim Final Rule	03/11/83	48 FR 10596
Final Action	01/08/85	50 FR 1804
Begin Review	10/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: George Muller, Deputy Director, Office of Export Trading Company Affairs, Department of Commerce, International Trade Administration, 202 377-5131

RIN: 0625-AA27

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

227. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None.

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. and 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA04

DOC—ITA

Proposed Rule Stage

228. EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Legal Authority: 19 USC 1862 Trade Expansion Act of 1962, as amended; 5 USC App. Reorganization Plan No. 3 of 1979; EO 12188

CFR Citation: 15 CFR 359

Legal Deadline: None.

Abstract: Section 359.10(a) of the existing regulation requires that a report of an investigation be organized into several sections containing classified and unclassified information. Paragraph (c) of that section requires that the report (excluding confidential material) be published in the Federal Register. Paragraph (a) will be amended to delete the report organization requirement and paragraph (b) will be amended to permit publication of either the full report or a summary thereof. It is impractical, time consuming, and not cost effective to organize the report, and publish the full report, as now required by the regulation. Section 359.10(c) will also be amended to provide that a copy of the report will be available to the public from the Publications Distribution Office of the Department rather than at ITA's Freedom of Information Records Inspection Facility.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Agency Contact: Edward Levy, 232 Program Manager, Department of Commerce, International Trade Administration, Strategic Analysis Division, Washington, DC 20230, 202 377-2322

RIN: 0625-AA15

229. SANCTIONS FOR VIOLATION OF ANTIDUMPING AND COUNTERVAILING DUTY PROTECTIVE ORDERS

Legal Authority: 19 USC 1677

CFR Citation: 19 CFR 353; 19 CFR 354, (added); 19 CFR 355

Legal Deadline: None.

Abstract: The ITA will add a new part 354 to the antidumping (part 353) and countervailing duty (part 355) regulations that establishes procedures for imposing sanctions against an individual, firm or other entity that violates the terms of an administrative protective order issued under 19 U.S.C. 1677. We will make conforming changes in parts 353 and 355.

Timetable:

Action	Date	FR Cite
NPRM	07/06/87	52 FR 25246
NPRM Comment Period End	09/04/87	
Final Action	10/20/87	

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, 202 377-1411

RIN: 0625-AA24

230. ANNUAL WATCH QUOTA ALLOCATIONS

Legal Authority: PL 97-466, Sec 110 (1983); 19 USC 1202 general headnote 3(a)

CFR Citation: 15 CFR 303

Legal Deadline: None.

Abstract: The regulation allocates watch quotas on an annual basis, in compliance with the requirements of the statute and regulations. Program issues allocations no later than March 1 of each year, under section 303.6(b) of the regulations.

Timetable:

Action	Date	FR Cite
Proposed allocation of watches	10/31/87	

Small Entity: No

Agency Contact: Frank Creel, Director, Statutory Import Programs Staff, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Rm. 1523, Washington, DC 20230, 202 377-1660

RIN: 0625-AA25

231. ANTIDUMPING AND COUNTERVAILING DUTIES; MODIFICATIONS

Legal Authority: 19 USC 1303; 19 USC 1516a; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: As appropriate, the ITA will amend the current regulations in effect at the time of enactment of modifications in the statutory authority for imposing antidumping and countervailing duties, if such legislation is enacted in 1987 or 1988.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA26

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

232. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None.

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA.

DOC—ITA

Final Rule Stage

Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (see Section 553(a)(2) concerning loans and grants). Revision of current regulations is in departmental process.

Affected Sectors: Multiple

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: John F. Mizroch, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, **202 377-0150**

RIN: 0625-AA05

233. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: Current antidumping and countervailing duty regulations will be revised to reflect recent statutory changes and current administrative practices and to improve the clarity of the regulations. The revisions will improve administrative efficiency in enforcement of the antidumping and countervailing duty laws. The revisions will replace the entire text of 19 CFR Parts 353 and 355.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	
AD Regulations		
NPRM 08/13/86 (51 FR 29046)		
NPRM Comment Period End 09/30/86		
CVD Regulations		
NPRM 06/10/85 (50 FR 29225)		
NPRM Comment Period End 09/09/85 (50 FR 32088)		

Small Entity: No

Affected Sectors: Multiple

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Acting, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. & 14th St., NW, Washington, DC 20230, **202 377-1411**

RIN: 0625-AA08

234. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002

CFR Citation: 15 CFR 371; 15 CFR 377; 15 CFR 399

Legal Deadline: None.

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/09/85	50 FR 41131
Final Action	12/00/87	

Small Entity: Yes

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20236, **202 377-3984**

RIN: 0625-AA21

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Completed Actions

235. ANTIDUMPING AND COUNTERVAILING DUTIES - DE MINIMIS

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: The ITA will amend the antidumping and countervailing duty regulations to provide that de minimis margins of dumping and de minimis subsidies shall be disregarded. The change is required by a recent decision of the Court of International Trade, which overturned the ITA's longstanding administrative practice regarding de minimis.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35529
Final Action	08/17/87	52 FR 30660
Final Action Effective	09/16/87	

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of

DOC—ITA

Completed Actions

Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, **202 377-1411**

RIN: 0625-AA23

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Proposed Rule Stage

236. FIPS FOR INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (now draft proposed) which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32610
NPRM Comment Period End	11/12/85	50 FR 32610

Next Action Undetermined

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA38

237. FIPS FOR CODES FOR THE IDENTIFICATION OF AQUIFER NAMES AND GEOLOGIC UNITS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This standard will adopt for Federal government use codes for aquifer names and geologic units developed by the Department of the Interior under its Memorandum of Understanding with NBS to develop and maintain earth science data element and representation standards. The standard will facilitate the interchange of information among Federal departments and agencies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA44

238. FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
NPRM Comment Period End	04/09/87	52 FR 851

Next Action Undetermined

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA48

239. FIPS FOR STANDARD GENERALIZED MARKUP LANGUAGE (SGML)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an International Standard ISO/DIS 8879 (currently a draft standard) which standardizes the application of generic coding and generalized markup concepts for documents that are processed by text processing and word processing systems. It provides a coherent and unambiguous syntax for describing what a user chooses to identify within a document. Use of this standard will facilitate the interchange of documents among systems with differing text processing languages and the processing of documents by more than one application, when applications use the same text processing language.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA50

240. FIPS FOR RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; 4-TRACK, SERIAL, 0.250 IN (6.30 MM), 6400 BPI (252 BPMM) INVERTED MODIFIED FREQUENCY MODULATION ENCODED

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA51

241. FIPS FOR SERIAL RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; FOUR AND FIVE TRACK, 0.250 IN (6.30 MM) 8000 BPI (315 BPMM) STREAMING MODE GROUP CODE RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA52

242. FIPS FOR ONE-HALF INCH MAGNETIC TAPE INTERCHANGE USING A SELF LOADING CARTRIDGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.85-1981) which provides the requirements and test methods necessary to ensure physical interchange of a self loading cartridge to be used with 1/2 inch wide magnetic tape.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA53

243. FIPS FOR RECORDED FORMATS FOR ONE AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 IN (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA54

244. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of

Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA55

245. FIPS FOR DEVICE LEVEL INTERFACE FOR STREAMING CARTRIDGE AND CASSETTE TAPE DRIVES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.146-1986) that specifies the interface between streaming cartridge and cassette tape drives, and small computer systems. This standard will facilitate the acquisition of cartridge and cassette tape drives made by different manufacturers, expand the Federal Government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Undetermined

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA57

246. FIPS FOR INTERFACES BETWEEN FLEXIBLE DISK CARTRIDGE DRIVES AND THEIR HOST CONTROLLERS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.80-1981) that specifies the interface between flexible disk drives and the host system. This standard will facilitate the acquisition of flexible disk drives made by different manufacturers, expand the Federal government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Undetermined

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA58

247. REVISIONS TO FIPS 60, 61, 62, 63, 97, AND 111, COMPUTER SYSTEM INPUT/OUTPUT (I/O) INTERFACE STANDARDS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Revisions to the family of input/output (I/O) interface standards will be proposed to reflect changes in computer technology and to facilitate the interconnection of peripherals to personal and minicomputers. New applicability, implementation and waiver provisions will be proposed to existing interface standards to be effective after January 1, 1990. A transition plan to cover the period from January 1988 to January 1990 will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Undetermined

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA59

248. FIPS FOR GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROFILE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt a procurement specification developed by the Government Open Systems Interconnection Users Group. The specification will enable the Federal government to acquire computer network systems that conform to national and international standards for OSI. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA61

249. ● FIPS FOR ELECTRONIC BUSINESS DATA EXCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: A group of voluntary industry standards that will facilitate computer-to-computer interchange of procurement data will be adopted as FIPS. Developed by Accredited Standards Committee X12, the standards will provide standard data elements, formats, and contents of electronic messages containing procurement-related information. These standards will reduce paperwork, improve productivity, and enable more effective information and inventory management.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of

DOC—NBS

Proposed Rule Stage

Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA62

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Final Rule Stage

250. FIPS FOR BASIC PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the BASIC programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/13/86	51 FR 1418
NPRM Comment Period End	04/14/86	51 FR 1418
Final Action	12/00/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA35

251. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088
Final Action	06/00/88	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA39

252. REVISION TO FIPS 29-1, INTERPRETATION PROCEDURES FOR FEDERAL INFORMATION PROCESSING STANDARD PROGRAMMING LANGUAGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This revision to the interpretation procedures for Federal Information Processing Standard programming languages will provide for more flexibility and more timely response to requests for interpretations by adding to the methods that are available for developing interpretations.

Timetable:

Action	Date	FR Cite
NPRM	12/10/86	51 FR 44505
NPRM Comment Period End	03/10/87	51 FR 44505
Final Action	12/00/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA47

253. FIPS FOR PORTABLE OPERATING SYSTEM ENVIRONMENTS (POSIX**)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt the Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System for Computer Environments (IEEE 1003.1/POSIX**). This standard will facilitate the interchange of computer programs between UNIX operating system [illegible]rved environments and make it possible to increase the productivity of staff members who develop and document computer programs for these systems.

* UNIX is a registered trademark of AT&T.

**POSIX is a trademark of the IEEE.

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30896
NPRM Comment Period End	11/28/86	51 FR 30896
Final Action	06/00/88	

Small Entity: No

DOC—NBS

Final Rule Stage

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA49

254. REVIEW OF FIPS 46, DATA ENCRYPTION STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: FIPS 46, Data Encryption Standard (DES), will be reviewed to assess its adequacy in protecting unclassified computer information. FIPS 46 was approved for Federal government use in 1977 and reaffirmed in 1983. The DES specifies an algorithm to be implemented in electronic hardware devices and used for the cryptographic protection of computer data.

Timetable:

Action	Date	FR Cite
NPRM	03/06/87	52 FR 7006
NPRM Comment Period End	06/04/87	52 FR 7006
Final Action	12/00/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA60

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Completed Actions

255. FIPS FOR TRANSPORT PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard provides for reliable, transparent transfer of data between two heterogeneous or homogeneous computer systems. The standard is based on an international consensus and is compatible with the International Organization for Standardization (ISO) document ISO/TC97/SC 16 N 1169, class 2 and class 4. This is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/81	46 FR 14913
ANPRM Comment Period End	05/03/81	46 FR 14913
NPRM	05/20/83	48 FR 22770
NPRM Comment Period End	08/18/83	48 FR 22770
Standard will be part of FIPS for GOSIP, RIN 0693-AA61; Not necessary to process as separate FIPS	08/27/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 975-2833**

RIN: 0693-AA06

256. FIPS FOR SESSION PROTOCOL STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide for reliable connections between users on a computer network. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal Government agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
Standard will be part of FIPS for GOSIP, RIN 0693-AA61; NOT necessary to process as separate FIPS.	08/27/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 975-2833**

RIN: 0693-AA12

257. FIPS FOR MESSAGE TRANSFER PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide for reliable exchange of messages through Federal Government computer networks. It is one of a family of

computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
Standard will be part of FIPS for GOSIP, RIN 0693-AA61; NOT necessary to process as separate FIPS.	08/27/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 975-2833**

RIN: 0693-AA17

258. FIPS PUB 127, DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard adopts an American National Standard (ANSI X3.135-1986) that defines the structure and operations of a relational data model and specifies data definition and data manipulation language interfaces to database systems supporting the relational model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	04/21/86	51 FR 13542
NPRM Comment Period End	07/21/86	51 FR 13542
Final Action	03/10/87	52 FR 7290
Final Action Effective	08/03/87	52 FR 7290

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA32

259. FIPS PUB 129, OPTICAL CHARACTER RECOGNITION (OCR) -- DOT MATRIX CHARACTER SETS FOR OCR-MA

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard adopts an American National Standard (ANSI X3.111-1986) which provides the description, scope, and application rules for a character set that is generated by dot matrix printers and that closely matches the OCR-A character set. Use of this standard will reduce the cost of data input into ADP systems which use OCR equipment.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46474
NPRM Comment Period End	02/06/86	50 FR 46474
Final Action	05/06/87	52 FR 16887
Final Action Effective	10/30/87	52 FR 16887

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA33

260. FIPS PUB 126, DATABASE LANGUAGE NDL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard adopts an American National Standard (ANSI X3.133-1986) that defines the structure and operations of a network data model and specifies data definition and data manipulation language interfaces to database systems supporting the network model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	04/21/86	51 FR 13542
NPRM Comment Period End	07/21/86	51 FR 13542
Final Action	03/10/87	52 FR 7290
Final Action Effective	08/03/87	52 FR 7290

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA34

261. FIPS FOR INTERNETWORK PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide the specifications for network interconnection via procedures for the connectionless transmission of data and control information from one network entity to another. It is based on the work of the International Organization for Standardization and is one of a family of computer network protocol standards which will make possible computer-to-computer communications of Federal ADP systems. It will enable organizations to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

DOC—NBS **Completed Actions**

Timetable:

Action	Date	FR Cite
Standard will be part of FIPS for GOSIP; RIN 0693-AA61; NOT necessary to process as separate FIPS.	08/27/87	

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA40

262. FIPS PUB 131, SMALL COMPUTER SYSTEM INTERFACE (SCSI)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard adopts an American National Standard (ANSI X3.131-1986) which defines the physical, electrical, and mechanical specifications for an 8-bit parallel bus, suitable for connecting physically small computers to each other and to mass storage peripherals. This standard is widely used in industry, and will enable Federal users to reduce costs and improve reutilization of mass storage components for small systems.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28402
NPRM Comment Period End	11/05/86	51 FR 28402
Final Action	07/16/87	52 FR 26715
Final Action Effective	12/16/87	52 FR 26715

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA41

263. FIPS PUB 130, INTELLIGENT PERIPHERAL INTERFACE (IPI)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard adopts American National Standards (ANSI X3.129-1986, X3.130-1986, X3.132-1987 and X3.147-1987) which provide for the interconnection of high performance computer systems and mass storage components for large and medium scale computers. This standard will be an alternative to FIPS 60, I/O Channel Interface, and will enable Federal agencies to reduce the cost of computer system components through improved competition.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28402
NPRM Comment Period End	11/05/86	51 FR 28402
Final Action	07/16/87	52 FR 26715
Final Action Effective	12/16/87	52 FR 26715

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA42

264. FIPS PUB 128, COMPUTER GRAPHICS METAFILE (CGM)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard adopts an American National Standard (ANSI X3.122-1986) that specifies a file format suitable for the description, storage, and communication of graphical information in a device independent manner. Use of this standard will facilitate the transfer of graphical information between different graphical software systems, different graphical devices, and different computer installations, and will reduce time in recomputing and regenerating graphical information.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	51 FR 17788
NPRM Comment Period End	08/13/86	51 FR 17788
Final Action	03/16/87	52 FR 8093
Final Action Effective	08/10/87	52 FR 8093

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA45

265. FIPS PUB 5-2, CODES FOR THE IDENTIFICATION OF THE STATES, THE DISTRICT OF COLUMBIA AND THE OUTLYING AREAS OF THE UNITED STATES, AND ASSOCIATED AREAS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This revision provides two-letter alphabetic codes and two-digit numeric codes for each State and the District of Columbia. These codes, which are used for interchange of data between Federal agencies and with non-Federal organizations, are unchanged from FIPS 5-1. In addition, alphabetic and numeric codes will be provided for outlying areas of the United States to be consistent with these codes provided in FIPS 10-3, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions, and FIPS 104-1, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange.

DOC—NBS

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28406
NPRM Comment Period End	11/05/86	51 FR 28406
Final Action	05/28/87	52 FR 19904
Final Action Effective	05/28/87	52 FR 19904

Small Entity: No

Affected Sectors: 357 Computer and Office Equipment

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA56

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

NATIONAL MARINE FISHERIES SERVICE

266. MARINE FISHERY USER FEES

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: A marine fishery user fee system will provide a substantial and stable source of revenue to partially offset Federal fishery expenditures and information needed for effective fishery management. Fees would be collected from the sale of marine fish conservation permits and stamps, and from an assessment on landing or delivery of fish for commercial purposes. Revenues would be shared with the states for marine fishery conservation activities. Administration costs are estimated to be $7,500,000 annually, with net Federal revenues of approximately $40 million.

Timetable:

Action	Date	FR Cite
Preparatory discussion with Postal Service	01/00/87	
Preparatory discussion with Congressional staff	02/00/87	
Preparatory introduction of legislation	04/00/87	

Next Action Undetermined

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $7,500,000; Yearly Recurring Cost: $7,500,000; Base Year for Dollar Estimates: 1986

Affected Sectors: 203 Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties

Government Levels Affected: State, Federal

Agency Contact: John T. Everett, Chief, Program Evaluation and Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, Management and Budget Staff, NMFS, Washington, DC 20235, 202 673-5464

RIN: 0648-AB93

267. PERFORMANCE STANDARDS FOR TUNA SKIPPERS

Legal Authority: 16 USC 1361 to 1407 Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None.

Abstract: During 1986 the overall annual quota for allowable incidental mortality of porpoise in the eastern tropical Pacific was reached in October and the U.S. tuna purse seine fleet was prohibited from fishing for tuna associated with porpoise. Industry representatives asserted that the quota was reached because a small fraction of vessel operators had exceptionally high kills. The industry representatives requested NMFS to develop sanctions to use against the certificates held by the offending operators to prevent their actions from penalizing the entire industry.

The NMFS does not now have porpoise mortality standards to serve as the basis for any permit action. The purpose of the proposed rule will be to establish appropriate standards which will improve the U.S. fleet's overall porpoise safety performance and identify individual poor performers for remedial action or, if necessary, elimination from the fishery.

Timetable:

Action	Date	FR Cite
Review of Options Paper on Alternative Porpoise Mortality Standards	00/00/00	

Small Entity: Undetermined

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources and, Habitat Programs, NMFS, Washington, DC 20235, 202 673-5350

RIN: 0648-AC07

268. TAKING OF MARINE MAMMALS INCIDENTAL TO UNDERWATER TESTS BY THE DEPARTMENT OF THE NAVY

Legal Authority: 16 USC 1361 to 1497 Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228

Legal Deadline: None.

Abstract: Based on a request from the Department of the Navy, NMFS is considering regulations that would allow a small number of harbor seals and California sea lions to be taken incidental to underwater explosive tests in San Francisco Bay. Section 101(a)(5) of the Marine Mammal Protection Act allows the taking of small numbers of Marine mammals incidental to specified activities provided that certain findings can be made and regulations are established that set forth permissible methods of taking and requirements for monitoring and reporting.

DOC—NOAA **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	11/01/87	
ANPRM Comment Period End	12/01/87	
NPRM	03/01/88	
NPRM Comment Period End	04/01/88	
Final Action	06/01/88	
Final Action Effective	07/01/88	

Small Entity: No

Agency Contact: Nancy Foster, Director, Office of Protected Resources, and Habitat Programs, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, **202 673-5350**

RIN: 0648-AC08

269. ● AMENDMENT 3 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and; Management Act

CFR Citation: 50 CFR 663

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Pacific Fishery Management Council.

Abstract: Amendment 3 would address changes in long-term sablefish management: (1) incidental catch by trawls; (2) allocation between fixed and mobile gear; and (3) expanded inseason management authority to reduce landings. Amendment 3 would also address: (1) procedures for establishing allowable incidental catch of groundfish in other fisheries; (2) a framework for reviewing and conforming Federal management measures to changes in California State management of the set net fishery south of 38 degrees N. Latitude; (3) changes in Federal fishery reporting requirements; (4) weather related vessel safety; and (5) review of groundfish habitat issues.

Timetable:

Action	Date	FR Cite
ANPRM	12/21/87	
NPRM	01/05/88	
NPRM Comment Period End	03/05/88	
Final Action	04/08/88	
Final Action Effective	05/09/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, F/NWR, 7600 Sand Point Way, Seattle, WA 98115, **213 514-6190**

RIN: 0648-AC18

270. ● AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 652

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Mid-Atlantic Fishery Management Council.

Abstract: Amendment 8 would address current regulatory restraints on industry designed to conserve the resource. The FMP objectives would be modified to promote economic stability, simplify regulations, and to allow more operational flexibility for the industry. Long-term management alternatives to be considered include an Individual Transferable Quota System and other limited effort vessel allocation schemes.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/88	
NPRM	09/01/88	
NPRM Comment Period End	10/31/88	
Final Action	12/04/88	
Final Action Effective	01/04/89	

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930-3799, **617 281-3600**

RIN: 0648-AC19

DEPARTMENT OF COMMERCE (DOC) — Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

271. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Legal Deadline: None.

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Trade and Industry Services, Inspection Services Division, Washington, DC 20235, **202 673-5875**

RIN: 0648-AA46

272. IMPLEMENTATION OF FISHERY MANAGEMENT RECOMMENDATIONS - REGIONAL FISHERY MANAGEMENT COUNCILS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 601

Legal Deadline: None.

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is being considered to conform with new legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	03/00/88	
Final Action Effective	04/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Richard H. Schaefer, Acting Director, Office of Fisheries, Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, **202 673-5263**

RIN: 0648-AB09

273. DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 653, (Reserved)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	02/00/88	
Final Action	04/00/88	
Final Action Effective	05/00/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St. FNER, Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB30

274. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222

Legal Deadline: None.

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would allow permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: Undetermined

Additional Information: Potential cost to applicants is estimated at $420. Cost per applicant is estimated at $210. Each applicant will be required to submit a conservation plan as part of the permit process. NEPA, E.O. 12291 and RFA determinations have not been undertaken.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Carter, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, and Habitat Programs, NMFS, Washington, DC 20235, **202 673-5351**

RIN: 0648-AB47

DOC—NOAA

Proposed Rule Stage

275. AMENDMENT NO. 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 681

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This Amendment will (1) incorporate management measures for Slipper Lobster, (2) require the use of escape vents in Lobster pots, (3) require release of egg-bearing females, (4) revise the daily catch report, (5) revise the permit application form, (6) eliminate the annual processor report, (7) revise the trip processing report, and (8) change the name to the crustacean FMP.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28028
NPRM Comment Period End	09/04/87	
Final Action	10/09/87	
Final Action Effective	11/11/87	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731, 213 514-6196

RIN: 0648-AB81

276. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 650

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This amendment will revise the management program by modifying the meat count measure to include a provision for seasonal changes reflecting fluctuations in the size of scallops.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/14/87	
Final Action	12/19/87	
Final Action Effective	01/18/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB83

277. RESUBMITTED PORTION OF AMENDMENT 1 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 649

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The revised portion of the amendment will exempt Mid-Atlantic black sea bass fishing gear from the escape vent requirement in a specified fishing area east and south of Barnegat, New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	
NPRM Comment Period End	10/06/87	
Final Action	11/20/87	
Final Action Effective	12/22/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NER, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB89

278. AMENDMENT 1 TO THE SWORDFISH FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 630

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 1 will reflect concern for status of swordfish stocks based on recent stock assessments (Oct. 1987). U.S. longline fishery now targets tunas and small swordfish in nearshore waters and seeks larger, more valuable swordfish in more distant waters. The Council will consider size limits, area closure, and quota management in Amendment 1 in an attempt to restore the nearshore swordfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	04/15/88	
NPRM Comment Period End	05/30/88	
Final Action	06/15/88	
Final Action Effective	07/15/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Craig O'Conner, Acting Regional Director,, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AB92

279. SAFETY OF UNITED STATES OBSERVERS ABOARD FOREIGN FISHING VESSELS

Significance: Regulatory Program

Legal Authority: PL 99-659

CFR Citation: 50 CFR 611.8

Legal Deadline: None.

Abstract: United States observers are required aboard foreign vessels permitted to fish in the U.S. Exclusive Economic Zone (EEZ). Conditions aboard these vessels can be hazardous to the safety of observers. To prevent injury to observers, the Department of Commerce intends to publish minimum safety standards that must be

maintained aboard foreign fishing vessels before they will be permitted to fish in the U.S. EEZ.

The alternative to establishing U.S. standards is to accept flag-state standards as adequate. This solution will probably not be feasible because there is a wide variation in foreign safety standards and differing degrees of compliance with standards. In some cases, foreign fishing vessels meeting existing flag-state standards would not be suitable for U.S. observers.

Costs of this action will be borne by the owners of foreign fishing vessels. This action is beneficial in that it may prevent serious injury, including death, to observers during the performance of their duty.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: Undetermined

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5299**

RIN: 0648-AB94

280. GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS - AMENDMENT 11

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 675

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The regulation will address the revision of the definition of "prohibited species and acceptable biological catch" and seasonal apportionment of the harvest of pollock by the joint venture fleet.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	52 FR 32942
NPRM Comment Period End	12/15/87	
Final Action	02/03/88	
Final Action Effective	03/05/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668 F/AKR, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB96

281. AMENDMENT 2 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 649

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 2 will increase the minimum carapace length for lobsters, prohibit the possession of V-notched female American lobsters, and establish a uniform national standard prohibiting the possession of undersized V-notched female or egg-bearing lobsters within the U.S. that are caught under the authority of the Magnuson Act.

Timetable:

Action	Date	FR Cite
NPRM	08/03/87	52 FR 28732
NPRM Comment Period End	09/10/87	
Final Action	10/30/87	
Final Action Effective	11/30/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB97

282. GROUNDFISH OF THE GULF OF ALASKA - AMENDMENT 16

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The regulation addresses the revision of the definition of "prohibited species."

Timetable:

Action	Date	FR Cite
NPRM	11/10/87	
NPRM Comment Period End	12/24/87	
Final Action	02/13/88	
Final Action Effective	02/15/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB98

283. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 661

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This Amendment is expected to address a variety of subjects including: (1) inclusion of habitat considerations; and (2) inclusion of vessel safety consideration.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	
NPRM Comment Period End	01/30/88	
Final Action	03/20/88	
Final Action Effective	04/20/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department

of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648-AB99

284. AMENDMENT 3 TO THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 E. LONGITUDE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 674

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This Amendment will (1) update the scientific data and other information used as a basis for management actions, (2) enhance the framework aspect of annual and inseason rulemaking under the fishery management plan (FMP), and (3) ensure conformity of the FMP with the Pacific Salmon Treaty.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	04/00/88	
Final Action	06/00/88	
Final Action Effective	07/00/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: **Robert W. McVey,** Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AC00

285. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1988

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611.22

Legal Deadline: Statutory, January 1, 1988.

Abstract: This rule will set poundage and permit fees for foreign fishing in 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action	12/15/87	
Final Action Effective	01/01/88	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: **Alfred J. Bilik,** Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, **202 673-5315**

RIN: 0648-AC01

286. ● AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 683

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Fishery Management Council

Abstract: The amendment will establish a limited access system in the bottomfish fisheries of the Western Pacific.

Timetable:

Action	Date	FR Cite
NPRM	01/18/88	
NPRM Comment Period End	03/02/88	
Final Action	04/19/88	
Final Action Effective	05/22/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: **E. Charles Fullerton,** Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SWR, 300 S. Ferry Street, Terminal Island, California 90731, **213 514-6600**

RIN: 0648-AC10

287. ● AMENDMENT 1 FOR THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 683

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Fishery Management Council.

Abstract: The amendment will include limited access measures for bottomfish in the U.S. EEZ surrounding American Samoa and Guam within the "framework" approach of the FMP and extend the due date of the Annual Report for the bottomfish Fisheries of the Western Pacific Region from March 31 to June 30 of each year.

Timetable:

Action	Date	FR Cite
NPRM	07/24/87	52 FR 27838
NPRM Comment Period End	09/02/87	
Final Action	10/09/87	
Final Action Effective	11/11/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: **E. Charles Fullerton,** Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SWR, 300 S. Ferry Street, Terminal Island, California 90731, **213 514-6660**

RIN: 0648-AC11

288. ● AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and; Management Act

CFR Citation: 50 CFR 642

Legal Deadline: Statutory. 110 days after submission of the Amendment by the Fishery Management Council.

Abstract: This amendment will revise the mackerel allocations between commercial and recreational fishermen.

Timetable:

Action	Date	FR Cite
NPRM	01/09/88	
NPRM Comment Period End	02/21/88	
Final Action	05/30/88	
Final Action Effective	06/30/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Craig O'Connor, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 983-3141**

RIN: 0648-AC15

289. ● AMENDMENT 1 GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Management; Act

CFR Citation: 50 CFR 641

Legal Deadline: Statutory. 110 days after submission of the Amendment by the Fishery Management Council

Abstract: The Regulations will attempt to rebuild declining reef fish stocks. It will propose to prohibit use of fish traps, roller trawls and powerheads within inshore stressed areas 2) establish construction requirements, maximum size and numerical limits for fish traps 3) permit requirements for fish trap operators, and 4) a minimum size limit of 13 inches.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/31/88	
Final Action	03/31/88	
Final Action Effective	04/30/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Craig O'Connor, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 983-3141**

RIN: 0648-AC16

290. ● AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and; Management Act

CFR Citation: 50 CFR 658

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Fishery Management Council

Abstract: The amendment will simplify the annual review process for the Tortugas Sanctuary, extend the Council/Regional Director closure review to February 1, set minimum size limit of 100 whole shrimp per pound for white shrimp, and expand the sea turtle education and headstart program.

Timetable:

Action	Date	FR Cite
NPRM	11/10/87	
NPRM Comment Period End	12/24/87	
Final Action	02/17/88	
Final Action Effective	03/19/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Craig O'Connor, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 983-3141**

RIN: 0648-AC17

291. ● AMENDMENT TO REGULATION PROVIDING FOR ALLOCATION OF PACIFIC HALIBUT AMONG DOMESTIC FISHERMEN

Legal Authority: North Pacific Halibut Act of 1982

CFR Citation: 50 CFR 301

Legal Deadline: None.

Abstract: The amendment addresses the allocation among domestic fishermen of the U.S. quota of Pacific halibut as determined by the International Pacific Halibut Commission.

Timetable:

Action	Date	FR Cite
NPRM	10/13/87	
NPRM Comment Period End	11/13/87	
Final Action	01/01/88	
Final Action Effective	02/01/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, PO Box 1668, Juneau, AK 99802, **907 568-7221**

RIN: 0648-AC20

292. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SWORDFISH FISHERY - EXTENSION OF THE PLAN

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 630

Legal Deadline: Statutory. 110 days after submission by the Fishery Management Council

Abstract: The rule implementing the Plan has an expiration date of December 31, 1987. Data collection (logbooks) was approved through October 31, 1987. The South Atlantic Council is submitting a regulatory amendment to extend the Plan and data collection. Vital data on the swordfish fishery is still needed for the stock assessment and management decisions.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/87	
NPRM	08/15/87	
NPRM Comment Period End	09/30/87	
Final Action	11/05/87	
Final Action Effective	12/05/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

DOC—NOAA

Proposed Rule Stage

Agency Contact: Craig O'Connor, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Kroger Blvd., St. Petersburg, FL 33702, **813 983-3141**

RIN: 0648-AC21

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

293. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None.

Abstract: As a result of the Marine Protection, Research and Sanctuaries Act reauthorization signed by the President on October 19, 1984, the regulations are being revised to incorporate modifications from the new legislation regarding the sanctuary designation process and site selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21369
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	02/00/88	
Final Action Effective	03/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AA31

294. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	05/00/88	
Final Action	09/00/88	
Final Action Effective	10/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AA33

295. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None.

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
NPRM Comment Period End	06/00/88	
Final Action	09/00/88	
Final Action Effective	10/00/88	

Small Entity: No

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AB49

296. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None.

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AB50

297. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	05/00/88	
Final Action	09/00/88	
Final Action Effective	10/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825

Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AB64

298. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None.

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changes the name of the program to "National Estuarine Reserve Research System"; (3) the amount of Federal financial assistance is increased to $4,000,000 per site; and (4) submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AB68

299. RULEMAKING TO IMPLEMENT 1985 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA)

Legal Authority: 16 USC 1456; PL 99-272, Subtitle D

CFR Citation: 15 CFR 923

Legal Deadline: None.

Abstract: PL 99-272, the Coastal Zone Management Reauthorization Act of 1985, amended Sec 306(g) of the Coastal Zone Management Act (16 USC 1456) dealing with submission and approval of changes to federally-approved state coastal zone management programs. NOAA/OCRM intends to issue regulations to implement these provisions and to correct problems NOAA/OCRM and the states have experienced in processing program change requests.

Timetable:

Action	Date	FR Cite
Issue paper distributed	09/12/86	
NPRM	01/22/88	
NPRM Comment Period End	02/22/88	
Final Action	10/02/88	
Final Action Effective	12/02/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Mark Stanga, Associate Director, OCRM, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Room 701, Washington, DC 20235, **202 673-5100**

RIN: 0648-AC02

300. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 935

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AC03

301. PROPOSED REGULATIONS FOR THE POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 936

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Vickie A. Allin, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AC05

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

302. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Significance: Regulatory Program

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 970, (Exploration Regulations); 15 CFR 971

Legal Deadline: None.

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations (15 CFR 971), prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a

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commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	07/25/86	51 FR 26794
Public Hearings, 08/26/86, 09/11/86 and	09/09/86	51 FR 26794
NPRM Comment Period End	11/24/86	
NPRM	10/00/87	
Final Action	03/00/88	
Final Action Effective	04/00/88	

Small Entity: No

Additional Information: A preliminary RIA & RFA have been prepared for the commercial regulations to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The preliminary RIA and RFA are available as is the programmatic environmental impact statement and the supplemental environmental assessment. After considering public comments on the proposed major rule, NOAA determined that certain issues were significantly different than the proposed rules. These limited issues are being reproposed for further public comment prior to NOAA's issuing the final regulations.

Affected Sectors: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Steel Works, Blast Furnaces, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; See Additional Information

Agency Contact: James P. Lawless, Chief, Oceans Minerals and Energy Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 1825 Connecticut Ave., NW, Suite 710, Washington, DC 20235, 202 673-5121

RIN: 0648-AA36

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

303. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None.

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Interim Final Rule	07/16/87	52 FR 26685
Final Action	12/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: B. G. Thompson, Chief, Fisheries Statistics Division, Department of Commerce, National Oceanic and Atmospheric Administration, Off. of Research and Environmental Informat., NMFS, Washington, DC 20235, 202 673-5335

RIN: 0648-AA38

304. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None.

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
Interim Final Rule	12/30/88	47 FR 21840

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Trade and Industry Services, Inspection

Services Division, Washington, DC 20235, **202 673-5875**

RIN: 0648-AA47

305. MARKING REQUIREMENTS FOR THE IMPORTATION, EXPORTATION, & INTERSTATE TRANSPORTATION OF FISH OR WILDLIFE

Significance: Regulatory Program

Legal Authority: 16 USC 3371 to 3375 Lacey Act Amendments of 1981

CFR Citation: 50 CFR 14.81 to 14.83; 50 CFR 246.1 to 246.3

Legal Deadline: None.

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. The regulations will conform to current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	
Final Action	10/01/87	

Small Entity: No

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Steven C. Springer, Special Agent In Charge, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement Div., NMFS, Washington, DC 20235, **202 673-5299**

RIN: 0648-AA53

306. U.S. STANDARDS FOR GRADES OF FRESH OR FROZEN NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 267, (New)

Legal Deadline: None.

Abstract: This final standard will establish a voluntary standards system to identify various products made from North American Freshwater Catfish and to grade these products A, B, C and Substandard. The objective of the standard is to facilitate trade in these products thereby benefiting the consumer. The standard will be used by NMFS in the voluntary program of fishery products inspection and certification. Industry has expressed strong support for these voluntary standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27514
Final Action	10/00/87	
Final Action Effective	11/30/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 027 Animal Specialties; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Trade and Industry Services, Inspection Services Division, Washington, DC 20235, **202 673-5875**

RIN: 0648-AA73

307. FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.14

Legal Deadline: None.

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	05/01/84	49 FR 50498
NPRM Comment Period End	06/14/84	49 FR 50498
Final Action	08/02/88	
Final Action Effective	09/01/88	

Small Entity: No

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5319**

RIN: 0648-AB23

308. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None.

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	08/13/86	51 FR 28963
NPRM Comment Period End	11/14/86	51 FR 36568
Interim Final Rule	10/01/87	
Final Action Effective	12/02/87	

Small Entity: No

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources & Habitat, Programs, NMFS, Washington, DC 20235, **202 673-5351**

RIN: 0648-AB46

309. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672; 50 CFR 674; 50 CFR 611.92

Legal Deadline: None.

Abstract: As required under P.L. 98-623, NOAA issues a regulatory amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/00/87	
Begin Review	12/00/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Jonathan Pollard, Attorney-Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA Office of General Counsel-GCAK, P.O. Box 21668, Juneau, AK 99801, **907 568-7414**

RIN: 0648-AB51

310. REGULATIONS GOVERNING THE HARASSMENT OF HUMPBACK WHALES

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None.

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100 yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300 yds is prohibited. This addition creates a new subsection to the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Interim Final Rule	10/00/87	
Final Action	12/01/87	
Final Action Effective	01/01/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, **213 514-6201**

RIN: 0648-AB79

311. AMENDMENT 1 TO THE RED DRUM FISHERY MANAGEMENT PLAN FOR THE GULF OF MEXICO

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 604; 50 CFR 653

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The amendment proposes to divide federal waters in the Gulf into a primary and two secondary management areas. The Council proposes no retention of red drum in either secondary area. The Council has established a procedure for setting TAC in the primary area to allow for the allocation of catch among user groups if a surplus is indicated.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22822
NPRM Comment Period End	07/23/87	
Final Action	09/11/87	
Final Action Effective	10/12/87	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Craig O'Connor, Acting Regional Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB91

312. AMENDMENT 1 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 651

Legal Deadline: Statutory. 110 days after the plan is submitted by the fishery management council.

Abstract: Amendment 1 will provide additional protection to groundfish

resources in the North Atlantic beyond that provided by the FMP. Proposed management measures include increased minimum fish size, expanded minimum mesh requirements, and changes in restricted fishery areas. The amendment is aimed at reducing fishing pressure on ten valuable fish species and rebuilding their stocks (cod, haddock, yellowtail, winter windowpane, witch flounder, pollock, redfish or ocean perch, American plaice, and white bake).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/87	52 FR 20124
NPRM	06/17/87	52 FR 23570
NPRM Comment Period End	07/31/87	52 FR 23570
Final Action	09/11/87	
Final Action Effective	10/13/87	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 06/23/87 (52 FR 23570)

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNER - NMFS, State Fish Pier, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AC04

313. ● U.S. STANDARDS FOR GRADES OF FISH FILLETS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 363C; 50 CFR 263D; 50 CFR 263E

Legal Deadline: None.

Abstract: This revised rule will expand the coverage of established voluntary standards for grades of fish fillets to include a new market form or style of fillet whereby the pin-bones, the bones radiating laterally from the spinal column, are not removed. This style of fillet has become more familiar in the marketplace, resulting in the industry requesting the amendment. Responses to a previous request for comments indicate a national interest in this style of presentation. The amendment will allow this market form, bearing FDA's recommended labeling, to be inspected and reflect the U.S. Grade A mark.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/88	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Rita A. Creitz, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Trade and Industry Services, Inspection Services Division, Washington, DC 20235, 202 673-5875

RIN: 0648-AC12

314. ● AMENDMENT TO THE REGULATIONS IMPLEMENTING THE ATLANTIC SEA SCALLOP FMP - REVISE THE EXPIRATION DATE OF FISHING PERMITS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and; Management Act

CFR Citation: 50 CFR 650

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Fishery Management Council

Abstract: The rule will require permits, which currently remain in effect until the owner or name of a vessel changes, to be renewed annually.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25041
NPRM Comment Period End	08/03/87	
Final Action	09/23/87	
Final Action Effective	10/23/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AC13

315. ● AMENDMENT TO REGULATIONS FOR GROUNDFISH OF THE GULF OF ALASKA, BERING SEA AND ALEUTIAN ISLANDS AREA - REPORTING REQUIREMENTS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and; Management Act

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Fishery Management Council.

Abstract: The amendment addresses the improvement of reporting of commercial groundfish harvests off Alaska by requiring that domestic fisherman comply with existing State of Alaska reporting on state fish tickets.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22829
NPRM Comment Period End	07/15/87	
Final Action	09/15/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AC14

316. ● REGULATORY AMENDMENT REVISING THE FINAL REGULATIONS IMPLEMENTING THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 649

Legal Deadline: Statutory. 110 days after the Amendment is submitted by the Fishery Management Council.

Abstract: This action revises (1) the expiration date of fishing permits and (2) numbering system used to identify lobster gear. The intended effects are to provide consistency with annual permitting procedures recently adopted in the Northeast Region, and to relieve Federal Fishery Permit holders from the burden of renumbering lobster gear

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when their Federal Fishery Permit Number changes.

Timetable:

Action	Date	FR Cite
NPRM	07/22/87	52 FR 27564
NPRM Comment Period End	08/05/87	
Final Action	09/30/87	
Final Action Effective	10/30/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NER, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AC09

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

317. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None.

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the Coastal Zone Management Act of 1972, as amended (CZMA), and therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) required that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally-approved state coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Draft study issued	04/00/85	
Final Action	08/30/85	50 FR 35210
Completion of Study	09/00/88	

Small Entity: No

Additional Information: NOAA issued a final rule August 31, 1985 making the changes required by the Supreme Court Decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: James P. Blizzard, Deputy Director, Office of Ocean and Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5111**

RIN: 0648-AA34

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

318. CIVIL PROCEDURES

Legal Authority: 15 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 15 CFR 904

Legal Deadline: None.

Abstract: The existing regulations (15 CFR 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings, summary forfeitures, and for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/85	50 FR 12781
Final Action	03/31/87	52 FR 10324

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Margaret H. Frailey, Asst. General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement and Litigation, 1825 Connecticut Avenue, NW, Room 607, Washington, DC 20235, **202 673-5220**

RIN: 0648-AA26

319. ATLANTIC BILLFISH AND SHARKS FISHERY - FOREIGN FISHING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Amends foreign fishing regulations at 50 CFR 611.61 to provide means to adjust seasonal closures affecting foreign longline fishermen to reduce conflicts with domestic fishermen and foreign incidental catches of billfish.

Timetable:

Action	Date	FR Cite
Suspended No action anticipated during reporting period.	06/02/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Acting Director, Office of Fisheries, Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5260

RIN: 0648-AB33

320. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This amendment will (1) authorize closing a regulatory area or district to directed fishing for sablefish to a specific gear type prior to the achievement of that gear's allocation of optimum yield but would allow sablefish to be taken as a bycatch, and (2) allow continued fishing for other species when the optimum yield for one species has been reached. The species for which OY has been reached would become a prohibited species.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 20659
NPRM Comment Period End	07/03/86	
Final Action Effective	01/16/87	
Final Action	01/22/87	52 FR 2412

Small Entity: No

Additional Information: An RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB40

321. AMENDMENT FOR ALASKA GROUNDFISH AND HIGH SEAS SALMON FISHERY MANAGEMENT PLANS - CLOSE FCZ INTRUSION INTO STATE WATERS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: None.

Abstract: This amendment will implement the intent of current legislation that refers to the State of Alaska management of groundfish in Federal waters that intrude into the intercoastal waters of southeastern Alaska. It affects the Gulf of Alaska groundfish and High Sea salmon fisheries. The amendment to the Gulf of Alaska Groundfish Fishery Management Plan to redefine Sablefish Management Boundaries (RIN 0648-AB39) has been combined with this action.

Timetable:

Action	Date	FR Cite
Withdrawn Determined that regulatory action not required.	07/20/87	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB41

322. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 674

Legal Deadline: None.

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the fishery conservation zone (FCZ) off Alaska and who sell, transfer, or deliver salmon in the FCZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer, or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
Interim Rule and request for comments pub.	07/23/84	49 FR 29611
Interim Rule expired	01/23/85	49 FR 29611
Suspended No action anticipated during reporting period.	07/01/87	

Small Entity: Undetermined

Additional Information: This rule contains a collection of information requirements subject to the Paperwork Reduction Act, which has been approved as OMB control number 0648-0016.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National

Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB44

323. IMPLEMENTATION OF FISHERY MANAGEMENT RECOMMENDATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 601

Legal Deadline: None.

Abstract: Revision will implement P.L. 99-659 and accepted recommendations of the NOAA Fishery Management Study completed in 1986. The objective is to improve the process of fishery management under the Magnuson Fishery Conservation and Management Act. The Study analyzed alternatives to the existing system. Benefits include unquantifiable improvements in efficiency and resource conservation. Costs are expected to be absorbed by improved priorities in the Federal fishery program.

Timetable:

Action	Date	FR Cite
Deleted Action will be combined with RIN 0648-AB09	07/01/87	

Small Entity: Not Applicable

Agency Contact: Bruce W. Norman, Sr. Policy Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5464**

RIN: 0648-AB57

324. FISHERY MANAGEMENT PLAN FOR PACIFIC BILLFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 682

Legal Deadline: Statutory. 110 days after the fishery management plan is submitted by the fishery management council.

Abstract: The Western Pacific Fishery Management Council voted unanimously to amend the FMP by limiting the size of the areas closed to foreign longline vessels. The Amendment establishes a set of criteria which must be met before the Regional Director can make a closure determination. The criteria are based on the adverse impact of foreign fishing on the catch efforts, gear or economic performance of domestic vessels.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45141
NPRM Comment Period End	01/23/87	
Final Action	02/24/87	52 FR 5983
Final Action Effective	02/27/87	52 FR 5983
Initial Proposed Rule Public comment caused rule to be revised and republished	09/16/87	52 FR 32808

Small Entity: No

Additional Information: An RIA will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry St., Terminal Island, CA 90731, **213 548-2575**

RIN: 0648-AB61

325. SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC - AMENDMENT 1

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 641, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: There is a high mortality of undersized lobsters used as live bait in traps, an increasing number of traps in the fishery, incompatible State and Federal regulations, and an excessive number of abandoned traps. New management measures include: a Federal permit to fish, commercial lobster season from April 1 to August 5th, minimum tail length of 5 inches, required onboard live well for carrying lobsters used as bait, a Federal permit to fish, modify the sportfishing possession limit, request modification of the State reporting requirements, require release of all egg-bearing lobsters, require a permit to separate lobsters at sea, limit possession of undersize lobster on board to 100, and require identification of gear and vessels. Estimated benefits are an increase in annual yield of 1.5 million pounds and an increase of $3.3 million to fishermen by 1987. The benefits will exceed the costs.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 08487
Final Action	06/15/87	52 FR 22656
Final Action Effective	07/08/87	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review and a regulatory flexibility analysis was prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Craig O'Connor, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB74

326. SEA TURTLE CONSERVATION; SHRIMP TRAWL REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222.41; 50 CFR 227.72(e)(3)

Legal Deadline: None.

Abstract: The NMFS is mandated by the Endangered Species Act of 1973 (ESA) to conserve and protect endangered and threatened species. Six species of marine turtles are listed as endangered or threatened under the ESA. Significant numbers of listed turtles are caught and drowned incidental to shrimp fishing operations in the Gulf of Mexico and the U.S. South Atlantic. To address this problem, NMFS developed the Trawling Efficiency Device (TED). When attached to a shrimp trawl, this excluder gear reduces the incidental capture of sea turtles by 97 percent in addition to reducing other unwanted

by-catch associated with shrimp trawling. NMFS is now considering promulgating regulations that would require the use of TEDs in several significant geographical areas of the Gulf of Mexico and the U.S. South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	03/02/87	52 FR 6179
Final Action	06/29/87	52 FR 24244
Final Action Effective	10/01/87	52 FR 24244

Small Entity: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Charles A. Oravetz, Chief, Protected Species Management Branch, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Regional Office, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3366**

RIN: 0648-AB86

327. SECRETARIAL AMENDMENT OF THE FISHERY MANAGEMENT PLAN FOR THE COMMERCIAL TANNER CRAB FISHERY OFF THE COAST OF ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 671

Legal Deadline: None.

Abstract: This Secretarial Amendment to the Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) repealed the FMP and its implementing regulations. The North Pacific Fishery Management Council is preparing a new FMP; however, during a two-year interim period following repeal of the current FMP, and before implementation of a new FMP, the Tanner crab fishery is being managed to the extent that vessels are registered in the State of Alaska by the state. Repeal of the current FMP was necessary because it fails to provide for timely coordination with the State of Alaska's inseason management actions and may result in violation of National Standards 1, 2, 5, 6, and 7 of the Magnuson Act. While the FMP allowed for inseason actions to protect stocks of Tanner crab, it did not permit inseason actions based solely on socioeconomic reasons. The new FMP in draft will contain Tanner crabs and King crabs and better defined frameworking mechanisms.

Timetable:

Action	Date	FR Cite
ANPRM	03/02/87	52 FR 6199
NPRM	03/17/87	52 FR 8319
NPRM Comment Period End	04/22/87	52 FR 8319
Final Action Effective	04/29/87	52 FR 17577
Final Action	05/11/87	52 FR 17577

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Regional Director, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Services, P.O. Box 1668, Juneau, AK 99802, **907 586-7229**

RIN: 0648-AB90

323. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 642

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 2 clarifies and revises the framework measures providing for seasonal adjustment, revised maximum sustainable yield, adjust total allowable catch, and establish allocation procedures for Spanish mackerel, regulate fishing gear, and provide for fishing permits.

Timetable:

Action	Date	FR Cite
Final Action	06/25/87	52 FR 23836
Final Action Effective	06/30/87	52 FR 23836

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Craig O'Connor, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB95

329. LABELING REQUIREMENTS FOR FROZEN FISH BLOCKS AND PRODUCTS THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act

CFR Citation: 50 CFR 264.200, (New); 50 CFR 264.201, (New)

Legal Deadline: None.

Abstract: NMFS is in the process of developing U.S. Standards for Grades of Mixed Fillet/Mince Fish Blocks and Revising Standards for Fillet Blocks and Minced Fish Blocks, as well as for Fish Sticks and Portions. Uniform labeling of frozen fish blocks, and fish sticks and portions is important to avoid confusion among processors, who buy fish blocks, and among consumers, who buy the fish sticks and portions.

Timetable:

Action	Date	FR Cite
Withdrawn	07/24/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Rita A. Creitz, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Trade and Industry Services, Inspection Services Division, Washington, DC 20235, **202 673-5875**

RIN: 0648-AC06

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Telecommunications and Information Administration (NTIA)

330. PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM: REPORT AND ORDER (FINAL RULES), FUNDING PRIORITIES AND POLICY STATEMENT

Legal Authority: 47 USC 390 to 394; 47 USC 397 to 399b

CFR Citation: 15 CFR 2301

Legal Deadline: None.

Abstract: NTIA has administered the Public Telecommunications Facilities Program (PTFP) for two years under an interim revision of rules. These final rules are designed to reduce applicant burdens and simplify applications requirements. Deletions from prior rules include: local public notice and submission of site leases with initial applications. Grant recipients within the past ten years need not submit full eligibility documentation. Equipment inventories need only include the type(s) of equipment requested. NTIA seeks information on applicants' non-Federal financial support and capital replacement policies, and encourages applicants with the ability to increase their share of project costs. NTIA states its policy to prefer applicants requesting 50% or less PTFP funding for broadcast equipment replacements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/18/84	49 FR 36600
NPRM	12/04/86	51 FR 43804
NPRM Comment Period End	01/05/87	
Final Action	10/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Burnham S. Morse, Telecommunications Policy Analyst, Department of Commerce, National Telecommunications and Information Administration, 14th & Constitution Avenue NW, Room H4890, Washington, DC 20230, 202 377-1835

RIN: 0660-AA01

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

Office of Productivity, Technology and Innovation (OPTI)

331. ● ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

Significance: Agency Priority

Legal Authority: EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq

CFR Citation: 37 CFR 100

Legal Deadline: None.

Abstract: PL 99-502 amended the Stevenson-Wydler Innovation Act of 1980 by establishing a number of procedures to encourage the development of technologies by laboratories owned or operated by the Federal government, to facilitate the transfer of such technologies to the public, and to promote cooperation between these laboratories and the private sector.

Executive Order 10096 would be amended with regard to the government's rights to ownership of inventions created in laboratories owned or operated by the Federal government. A revised version of the executive order might be prepared and regulations would be developed to implement the amendments effected by P.L. 99-502.

This action will not increase Federal costs. In the short run it will encourage private sector collaboration to assist work done in Federal laboratories by appropriated funds, and in the long run increased commercialization of patents and inventions will increase tax revenues.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Norman J. Latker, Director, Federal Technology Management Policy Division, Department of Commerce, Office of Productivity, Technology and Innovation, Room H 4837, Washington, DC 20230, 202 377-0659

RIN: 0692-AA05

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of Productivity, Technology and Innovation (OPTI)

332. LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None.

Abstract: This action will revise 37 CFR 404 to simplify the process by which US industry can obtain license to patented inventions owned by the Government. P.L. 99-502 is expected to increase industry interest in licensing inventions from Federal laboratories. The existing regulation was written by GSA on the basis of 1980 legislation. It may be possible to remove some of the difficulties that potential licensees must overcome.

Timetable:

Action	Date	FR Cite
NPRM	03/31/88	
NPRM Comment Period End	05/31/88	
Final Action	09/30/88	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Federal

DOC—OPTI

Proposed Rule Stage

Agency Contact: Norman J. Latker, Director Federal Technology Management, Policy Division, Department of Commerce, Office of Productivity, Technology and Innovation, Room H4837, Washington, DC 20230, **202 377-0659**

RIN: 0692-AA04

DEPARTMENT OF COMMERCE (DOC)
Office of Productivity, Technology and Innovation (OPTI)

Completed Actions

333. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Legal Deadline: None.

Abstract: 35 USC 206 as amended by PL 98-620, requires the Secretary to issue regulations implementing 35 USC 202-204 which deals with the rights in inventions to be provided to nonprofit organizations and small businesses that perform Government supported research and development. Previously this was the responsibility of OFPP which issued OMB Cir. A-124. The regulation is based on Cir. A-124 with such substantive changes as are necessary because of various amendments made by PL 98-620. No alternative is available since a major thrust of the statute was the development of a single regulation to replace the numerous regulations that were in effect prior to 1981. The statute and regulations will benefit contractors and the public by creating the certainty necessary for the early commercialization of inventions by the private sector. Compared to the pre-1981 situation this reduces administrative costs of both the Government and contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13524
Interim Final Rule	07/14/86	51 FR 25508
Final Action	03/18/87	52 FR 8552
Final Action Effective	04/17/87	52 FR 8552

Small Entity: Yes

Agency Contact: Norman Latker, Director, Federal Technology Management of Policy Division, Department of Commerce, Office of Productivity, Technology and Innovation, Room H 4837, Washington, DC 20230, **202 377-0659**

RIN: 0692-AA01

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Prerule Stage

334. DEPOSIT OF BIOLOGICAL MATERIALS FOR PATENT PURPOSES

Significance: Regulatory Program

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.71

Legal Deadline: None.

Abstract: PTO will propose amendment of its rules of practice in patent cases to govern the deposit of biological materials for patent purposes.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/87	
ANPRM Comment Period End	11/30/87	
NPRM	05/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley D. Schlosser, Legislative and International Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3065**

RIN: 0651-AA13

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

335. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Legal Deadline: None.

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	06/00/88	
Final Action Effective	07/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and

Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, **703 557-4035**

RIN: 0651-AA04

336. VARIETY NAMING REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None.

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33062
NPRM Comment Period End	10/31/85	
Notice	12/27/85	50 FR 52963
NPRM	10/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley D. Schlosser, Legislative and International Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3065**

RIN: 0651-AA12

337. TRADEMARK APPLICATIONS

Significance: Regulatory Program

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Legal Deadline: None.

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed by foreign applicants pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decision of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984). Since this decision has been appealed, any regulatory action will have to await the outcome of the judicial review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3268**

RIN: 0651-AA23

338. MISCELLANEOUS AMENDMENTS OF PATENT RULES

Legal Authority: 35 USC 6; 35 USC 135

CFR Citation: 37 CFR 1.14; 37 CFR 1.131; 37 CFR 1.192; 37 CFR 1.194; 37 CFR 1.196; 37 CFR 1.604; 37 CFR 1.607; 37 CFR 1.612; 37 CFR 1.637; 37 CFR 1.658; 37 CFR 1.662; 37 CFR 5.3

Legal Deadline: None.

Abstract: PTO plans to amend its rules of practice to clarify the procedure in patent interference cases, to make ex parte practice in patent cases consistent with the procedure in patent interference cases, and to expedite the disposition of appeals in ex parte cases.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	04/00/88	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Saul I. Serota, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-4072**

RIN: 0651-AA25

339. DUTY OF DISCLOSURE - INFORMATION DISCLOSURE STATEMENT

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None.

Abstract: 37 CFR 1.56 and 1.97- .99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3054**

RIN: 0651-AA27

340. ● REQUESTS FOR PRESIDENTIAL PROCLAMATIONS UNDER THE SEMICONDUCTOR CHIP PROTECTION ACT

Significance: Agency Priority

Legal Authority: 35 USC 6; 17 USC 901; EO 12504

CFR Citation: 37 CFR 150.1; 37 CFR 150.2; 37 CFR 150.3; 37 CFR 150.4; 37 CFR 150.5; 37 CFR 150.6

Legal Deadline: None.

Abstract: PTO proposes to amend its rules of practice to provide procedures implementing the provision in the Semiconductor Chip Protection Act of 1984 for the issuance of Presidential Proclamations to protect semiconductor chip products against unauthorized duplication.

DOC—PTO

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Michael K. Kirk, Assistant Commissioner for External Affairs, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231, **703 557-3065**

RIN: 0651-AA29

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

341. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Legal Deadline: None.

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Bradford R. Huther, Asst. Commissioner for Finance & Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-1572**

RIN: 0651-AA18

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

342. ARBITRATION OF PATENT INTERFERENCE CASES

Legal Authority: 35 USC 6; PL 98-622

CFR Citation: 37 CFR 1.690

Legal Deadline: None.

Abstract: An amendment of PTO's rules of practice relating to patent interferences will be proposed to implement the provision in Public Law 98-622 for arbitration of patent interference cases.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/85	50 FR 02294
ANPRM Comment Period End	03/01/85	50 FR 02294
NPRM	09/15/86	51 FR 32756
NPRM Comment Period End	11/14/86	
Final Action	04/27/87	52 FR 13833
Final Action Effective	05/27/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Michael Sofocleous, Examiner-In-Chief, BD of Pat. Appeals and Interferences, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-4000**

RIN: 0651-AA20

343. RULES FOR EXTENSION OF PATENT TERM

Significance: Regulatory Program

Legal Authority: 35 USC 6; PL 98-417

CFR Citation: 37 CFR 1.1; 37 CFR 1.8; 37 CFR 1.20; 37 CFR 1.710 to 1.785

Legal Deadline: None.

Abstract: PTO plans to propose changes in its rules of practice in patent cases to specify procedures and fees for extending the terms of patents pursuant to the provisions of Public Law 98-417 for the restoration of up to 5 years of the loss in a patent term due to regulatory delays.

Timetable:

Action	Date	FR Cite
NPRM	07/30/86	51 FR 27205
NPRM Comment Period End	09/10/86	51 FR 27205
Final Action	03/24/87	52 FR 9386
Final Action Effective	05/26/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Charles E. Van Horn, Director, Examining Group 120, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3637**

RIN: 0651-AA22

344. UNITY OF INVENTION AND PATENT COOPERATION TREATY, CHAPTER II

Significance: Agency Priority

Legal Authority: 35 USC 6; PL 99-616

CFR Citation: 37 CFR 1.8; 37 CFR 1.61; 37 CFR 1.70; 37 CFR 1.101; 37 CFR 1.141; 37 CFR 1.401; 37 CFR 1.414; 37 CFR 1.416; 37 CFR 1.431; 37 CFR 1.432; 37 CFR 1.445; 37 CFR 1.475; 37 CFR 1.480; 37 CFR 1.481; 37 CFR 1.482; ...

Legal Deadline: Statutory. Three months after withdrawal of our reservation as to Chapter II of PCT.

Abstract: Public Law 99-616, enacted November 6, 1986, authorizes the U.S. Patent and Trademark Office to act as an International Preliminary Examining Authority and as an elected Office for international applicants under Chapter II of the Patent Cooperation Treaty. Chapter II provides for an International Preliminary Examination Report to be established and allows at least 30 months from the priority date for entry into the national phase. Regulations must be established to implement requirements and time periods for entry into the national phase and set fees to cover processing costs, including the cost covered by 35 USC 376 of searching and examining international applications with claims to different categories of invention in a single international application.

Timetable:

Action	Date	FR Cite
NPRM	03/04/87	52 FR 06696
Final Action	05/28/87	52 FR 20038
Final Action Effective	07/01/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Louis O. Maassel, Editor, Manual of Patent Examining Procedure, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3070**

RIN: 0651-AA26

DEPARTMENT OF COMMERCE (DOC)

United States Travel and Tourism Administration (USTTA)

Prerule Stage

345. ● TRAVEL PROMOTION FEE

Significance: Regulatory Program

Legal Authority: Not yet enacted

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: USTTA has primary federal responsibility for stimulating travel to the United States by residents of foreign countries. Promotion and facilitation services are currently offered without charge to those who derive a direct benefit from the government's activities. A travel promotion fee would recover the costs of these services. The Department of Commerce will submit draft legislation which would impose a fee on airlines and passenger ship lines which travel to the United States and directly benefit from USTTA promotional activities overseas. Airlines and passenger ship lines would be required to pay a fee for each passenger who arrives in the United States. Upon enactment of the legislation, USTTA will issue implementing regulations.

Timetable:

Action	Date	FR Cite
Submit draft legislation to Congress	01/00/88	

Small Entity: Undetermined

Agency Contact: Jerry Manolatos, Director, Office of Management and, Administration, Department of Commerce, United States Travel and Tourism Administration, Room 1524, Washington, DC 20230, **202 377-3812**

RIN: 0644-AA00

[FR Doc. 87-21233 Filed 10-23-87; 8:45 am]

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Federal Register

Monday
October 26, 1987

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and therefore are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on April 27, 1987, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in April 1988. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Anne M. Jeffery, telephone 202-746-0664 or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 202-697-2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act; and

c. GATT International Trade Agreement.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain three sections: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

D. O. Cooke,

Deputy Assistant Secretary of Defense (Administration).

AGENCY: Office of the Secretary, DoD.

ACTION: This agenda updates the report published on April 27, 1987 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulatory material listed below is in 3 parts: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: The Agency contact names and telephone numbers appear after each agenda entry. For other information on the agenda, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION:

E.O. 12291: None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Action, section 610: The Office of the Secretary of Defense has screened its existing regulatory documents and has concluded that none of its regulatory documents cause significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96-511: None of the DoD regulatory documents listed in the agenda require

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information collection reports affecting the public sector under the criteria of Pub. L. 96-511.

GATT Agreement: None of the DoD regulatory documents listed in this agenda impact upon foreign trade under the GATT Agreement.

The OSD agenda follows.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
346	Presentation of DoD-Sponsored Scientific and Technical Papers at Meetings (DoD Instruction 5230.XX)	0790-AA59
347	Coordination of Benefits (DoD Instruction 6010.XX)	0790-AA68
348	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of Pub. L. 93-112, the Rehabilitation Act of 1973 (DoD 6010.8-R)	0790-AA71
349	Commercial Activities Program; Procedures (DOD Instruction 4100.33)	0790-AA73
350	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of a CHAMPUS DRG-Based Payment System (DoD 6010.8-R)	0790-AA80
351	Implementation of the Program Fraud Civil Remedies Act	0790-AA82
352	Department of Defense (DoD) Program Fraud Civil Remedies Regulation	0790-AA83
353	Defense Industrial Personnel Security Clearance Review Program (DoD Directive 5220.6)	0790-AA84
354	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Active Duty Dependents Dental Program (DoD 6010.8-R)	0790-AA85
355	Shelter for the Homeless Program; Proposed Implementation (DoD Instruction 4165.65)	0790-AA86
356	Provision of Free Public Education for Eligible Dependent Children (DoD Directive 1342.XX)	0790-AA87
357	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Modification of Payment Limitation for Multiple Surgical Procedures (DoD 6010.8-R)	0790-AA89

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
358	DoD Freedom of Information Act Program (DoD Directive 5400.7 and DoD 5400.7-R)	0790-AA65
359	Procedures Governing Credit Unions on DoD Installations (DoD Instruction 1000.10)	0790-AA66
360	Procedures Governing Banking Offices on DoD Installations (DoD Instruction 1000.12)	0790-AA67
361	Reporting Procedures on Defense Related Employment (DoD Directive 7700.15)	0790-AA74
362	Personal Commercial Solicitation on DoD Installations (DoD Directive 1344.7)	0790-AA76
363	Standards of Conduct (DoD Directive 5500.7)	0790-AA78
364	Defense Contracting, Reporting Procedures of Defense Related Employment	0790-AA79
365	Personnel Security Program (DoD 5200.2-R)	0790-AA81
366	Availability of DoD Directives, DoD Instructions, DoD Publications, and Changes	0790-AA88

Department of the Army—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
367	The Army General Counsel's Honors Programs	0702-AA00
368	Airfield Certification and Use of Army Airfields by Other than US Department of Defense Aircraft	0702-AA02

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
369	Regulations Affecting Military Reservations; Firearms and Weapons	0702-AA16

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Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
370	Controlling Access to Main Cantonment Area, Fort Lewis Military Reservation, Washington and Prohibiting Certain Forms of Conduct Upon Fort Lewis Military Reservation	0702-AA15

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
371	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D--Endangered Species Counterpart Regulations	0710-AA17
372	Regulatory Program of the Corps of Engineers, Nationwide Permits	0710-AA20

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
373	Environmental Quality, Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA11
374	Regulatory Programs of the Corps of Engineers Part 325, App. C, Historic Properties	0710-AA12

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
375	Corps of Engineers Management of Army and Air Force Real Property	0710-AA14

Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
376	Delivery of Personnel; Service of Process and Subpoena; Production of Official Records	0703-AA14
377	Availability of Department of the Navy Records and Publications of the Navy Documents Affecting the Public; Correction	0703-AA20
378	Availability of Department of the Navy Records and Publication of the Department of the Navy Documents Affecting the Public; Amendment	0703-AA21
379	Base Entry Regulations for Naval Installations in the State of Hawaii	0703-AA22
380	General Claims Regulations, Amendment	0703-AA23
381	Personnel Claims Regulations, Amendment	0703-AA24
382	Rules Governing Public Access; Kahoolawe Island and Kaula, HI	0703-AA25
383	Affirmative Claims Regulations, Amendment	0703-AA26

Department of the Air Force—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
384	Air Force Supplement to the Federal Acquisition Regulation (FAR)	0701-AA14
385	Delivery of Air Force Personnel to U.S. Civilian Authorities for Trial (AFR 111-11)	0701-AA20

DOD

Department of the Air Force—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
386	Environmental Impact Analysis Process (ANGR 19-02)	0701-AA22

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
387	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
388	Claims and Tort Litigation (AFR 112-1)	0701-AA19
389	Issuing Certificates in Lieu of Lost or Destroyed Certificates of Separation (AFR 35-96)	0701-AA21
390	Personal Financial Responsibility (AFR 35-18)	0701-AA23
391	Air Force Visual Information Systems (AFR 700-32)	0701-AA25

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
392	Foreign Tax Relief Program (AFR 110-18)	0701-AA12
393	Aircraft Arresting Systems (AFR 55-42)	0701-AA17
394	Personal Commercial Affairs (AFR 211-16)	0701-AA24

DEPARTMENT OF DEFENSE (DOD)

Proposed Rule Stage

Office of the Secretary (OS)

346. PRESENTATION OF DOD-SPONSORED SCIENTIFIC AND TECHNICAL PAPERS AT MEETINGS (DOD INSTRUCTION 5230.XX)

Legal Authority: PL 98-94; 10 USC 140c

CFR Citation: 32 CFR 249

Legal Deadline: None.

Abstract: This part provides policy and procedural guidance for considering national security in the dissemination of DoD-sponsored scientific and technical information at meetings, whether such meetings are conducted by the U.S. Government or private organizations.

Timetable:

Action	Date	FR Cite
NPRM	02/12/86	51 FR 5210
NPRM Comment Period End	03/14/86	51 FR 5210

Next Action Undetermined

Small Entity: No

Agency Contact: F. Sobieszcyk, Department of Defense, Office of the Secretary, **202 694-0205**

RIN: 0790-AA59

347. COORDINATION OF BENEFITS (DOD INSTRUCTION 6010.XX)

Legal Authority: PL 99-272; 10 USC Chapter 55

CFR Citation: 32 CFR 220

Legal Deadline: None.

Abstract: This part is to comply with PL 99-272. It also informs the public that the Department of Defense shall collect from third-party payers the reasonable inpatient hospital care costs incurred on behalf of retirees and dependents.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36023
NPRM Comment Period End	11/07/86	51 FR 36023

Next Action Undetermined

Small Entity: No

Agency Contact: J. Maddy, Department of Defense, Office of the Secretary, **202 694-3242**

RIN: 0790-AA68

348. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF SECTION 504 OF PUB. L. 93-112, THE REHABILITATION ACT OF 1973 (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301; 29 USC 794

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: The purpose of this rule is to revise the DoD Regulation 6010.8-R (32 CFR Part 199) to meet the intent of section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39757
NPRM Comment Period End	12/01/86	51 FR 39757

Next Action Undetermined

Small Entity: No

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA71

349. COMMERCIAL ACTIVITIES PROGRAM; PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169; 32 CFR 169a; 32 CFR 171

Legal Deadline: None.

Abstract: This instruction establishes DoD policies to implement OMB Circular No. A-76, which are currently included in 32 CFR Part 169. It establishes procedures and criteria for use by the Department of Defense to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources. 32 CFR Part 169, "Commercial Activities Program" and 32 CFR Part 169a, "Commercial Activities Program Procedures" are proposed to be removed in their entirety.

Timetable:

Action	Date	FR Cite
NPRM	12/03/86	51 FR 43619
NPRM Comment Period End	01/02/87	51 FR 43620

Next Action Undetermined

Small Entity: No

Agency Contact: D. Hansen, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790-AA73

350. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF A CHAMPUS DRG-BASED PAYMENT SYSTEM (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: This proposed amendment revises the comprehensive CHAMPUS regulation, DoD 6010.8-R, pertaining to payment for inpatient hospital services. This proposed amendment implements a DRG-based payment system which is modeled on the Medicare Prospective Payment System for CHAMPUS inpatient hospital admissions occurring on or after October 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20731
NPRM Comment Period End	07/06/87	52 FR 20731

Next Action Undetermined

Small Entity: No

Agency Contact: S. Isaacson, Department of Defense, Office of the Secretary, **303 361-4005**

RIN: 0790-AA80

351. ● IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: 31 USC 3807; PL 99-509

CFR Citation: 32 CFR 276

Legal Deadline: None.

Abstract: This part implements Program Fraud Civil Remedies Act by establishing an administrative process within the Departments of the Army, Navy, and Air Force for the adjudication of fraudulent claims of less than $150,000 or false statements.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26692
NPRM Comment Period End	08/17/87	52 FR 26692

Next Action Undetermined

Small Entity: No

Agency Contact: E. Shapiro, Department of Defense, Office of the Secretary, **202 697-2714**

RIN: 0790-AA82

352. ● DEPARTMENT OF DEFENSE (DOD) PROGRAM FRAUD CIVIL REMEDIES REGULATION

Legal Authority: 31 USC 3807; PL 99-509

CFR Citation: 32 CFR 277

Legal Deadline: None.

Abstract: This part establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious or fraudulent claims or written statements to authorities or to their agents. It also specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26693
NPRM Comment Period End	08/17/87	52 FR 26693

Next Action Undetermined

Small Entity: No

Agency Contact: E. Shapiro, Department of Defense, Office of the Secretary, **202 697-2714**

RIN: 0790-AA83

353. ● DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Legal Deadline: None.

Abstract: This part is being revised and reissued to establish a standard for determining petitions for reimbursement for loss of earnings, incorporate the revised DoD Adjudication Policies for security clearance determinations under this rule, and revise procedures for cases not requiring a hearing, and procedures for considering issues raised on appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16864
NPRM Comment Period End	06/05/87	52 FR 16864

Next Action Undetermined

Small Entity: No

Agency Contact: J. Brown, Department of Defense, Office of the Secretary, **202 696-4599**

RIN: 0790-AA84

DOD—OS

Proposed Rule Stage

354. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ACTIVE DUTY DEPENDENTS DENTAL PROGRAM (DOD 6010.8-R)

Legal Authority: 10 USC 1076a; 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: This proposed rule would amend 32 CFR Part 199, the Regulation which implements CHAMPUS programs, by adding a new section to implement Chapter 55, Title 10 Section 1076a U.S.C., which authorizes the Active Duty Dependent Dental Plan.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20096
NPRM Comment Period End	07/13/87	52 FR 20096

Next Action Undetermined

Small Entity: No

Agency Contact: J. Rhea, Department of Defense, Office of the Secretary, **303 361-3278**

RIN: 0790-AA85

355. ● SHELTER FOR THE HOMELESS PROGRAM; PROPOSED IMPLEMENTATION (DOD INSTRUCTION 4165.65)

Legal Authority: 10 USC 2546

CFR Citation: 32 CFR 226

Legal Deadline: None.

Abstract: This proposed rule intends to provide specific guidance to the Heads of Department of Defense Components and Installation Commanders as to the actions they may take to provide shelter and incidental services to persons without adequate shelter.

Timetable:

Action	Date	FR Cite
NPRM	05/11/87	52 FR 17605
NPRM Comment Period End	06/10/87	52 FR 17605

Next Action Undetermined

Small Entity: No

Agency Contact: S. Kleiman, Department of Defense, Office of the Secretary, **202 697-7475**

RIN: 0790-AA86

356. ● PROVISION OF FREE PUBLIC EDUCATION FOR ELIGIBLE DEPENDENT CHILDREN (DOD DIRECTIVE 1342.XX)

Legal Authority: 20 USC 241

CFR Citation: 32 CFR 68

Legal Deadline: None.

Abstract: This proposed rule would implement Pub.L 81-874, as amended, and section 505(c) of Pub.L 97-35. Section 6 authorizes the establishment of "arrangements" for the education of certain federally-connected children when prescribed conditions are met.

Timetable:

Action	Date	FR Cite
NPRM	05/22/87	52 FR 19361
NPRM Comment Period End	06/22/87	52 FR 19361

Next Action Undetermined

Small Entity: No

Agency Contact: H. Navarez, Department of Defense, Office of the Secretary, **202 697-0481**

RIN: 0790-AA87

357. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MODIFICATION OF PAYMENT LIMITATION FOR MULTIPLE SURGICAL PROCEDURES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: This proposed amendment revises the comprehensive CHAMPUS regulation pertaining to payment for multiple surgical procedures performed during the same operative session. This proposed amendment allows payment for second and subsequent surgical procedures at fifty percent of the CHAMPUS-determined allowable charge, whether or not the second and subsequent procedures are related i.e., performed through the same surgical opening to the first procedure.

Timetable:

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7453
NPRM Comment Period End	04/10/87	52 FR 7453

Next Action Undetermined

Small Entity: No

Agency Contact: S. Isaacson, Department of Defense, Office of the Secretary, **303 362-4005**

RIN: 0790-AA89

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary (OS)

Completed Actions

358. DOD FREEDOM OF INFORMATION ACT PROGRAM (DOD DIRECTIVE 5400.7 AND DOD 5400.7-R)

Legal Authority: 5 USC 552; PL 99-570; PL 99-661

CFR Citation: 32 CFR 286

Legal Deadline: None.

Abstract: This final rule implements certain provisions of the Freedom of information Reform Act of 1986, which required agency promulgation of regulations specifying a uniform schedule of fees and guidelines for determining waiver or reduction of such fees.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 802
NPRM Comment Period End	02/09/87	52 FR 802
Final Action	07/10/87	52 FR 25976
Final Action Effective	08/10/87	52 FR 25976

Small Entity: No

Agency Contact: C. Talbott, Department of Defense, Office of the Secretary, **202 697-1180**

RIN: 0790-AA65

359. PROCEDURES GOVERNING CREDIT UNIONS ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.10)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 231a

Legal Deadline: None.

Abstract: As a result of the comments received on the March 3, 1987 notice of the final amended rule, the requirement to pay ground rent of excess space has been eliminated. In addition, provisions have been clarified concerning the membership criterion for credit unions to qualify for logistical support.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40828
NPRM Comment Period End	12/10/86	51 FR 40828
Final Action Effective	04/23/87	52 FR 17294
Final Action	05/07/87	52 FR 17294

Small Entity: No

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790-AA66

360. PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.12)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 230

Legal Deadline: None.

Abstract: This amendment extends leases beyond the former 25 years limitation, provided the banking institution agreed to continue maintaining the building and reimbursing the Government for any utilities and services provided.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 90
NPRM Comment Period End	02/02/87	52 FR 90
Final Action Effective	04/27/87	52 FR 17283
Final Action	05/17/87	52 FR 17283

Small Entity: No

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790-AA67

361. REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT (DOD DIRECTIVE 7700.15)

Legal Authority: 50 USC 1436

CFR Citation: 32 CFR 166

Legal Deadline: None.

Abstract: This part is designed to establish criteria and procedures for reports required of certain former and retired military officers, former civilian officers and employees of the Department of Defense presently employed by defense contractors presently employed by the Department of Defense. It is formulated to implement 10 U.S.C. 2397.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40820
NPRM Comment Period End	12/10/86	51 FR 40820
Withdrawn Document removed and redesignated as 32 CFR 40a	06/19/87	52 FR 23298

Small Entity: No

Agency Contact: R. DuFresne, Department of Defense, Office of the Secretary, 202 695-3272

RIN: 0790-AA74

362. PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS (DOD DIRECTIVE 1344.7)

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 43

Legal Deadline: None.

Abstract: This amendment allows an exception to the prohibition of advertising addresses or telephone numbers of commercial sales activities for members of military families authorized to conduct such activities in family housing.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35535
NPRM Comment Period End	11/05/86	51 FR 35535
Final Action Effective	04/21/87	52 FR 17951
Final Action	05/13/87	52 FR 17951

Small Entity: No

Agency Contact: B. Schoenberger, Department of Defense, Office of the Secretary, 202 697-9525

RIN: 0790-AA76

363. STANDARDS OF CONDUCT (DOD DIRECTIVE 5500.7)

Legal Authority: PL 87-651; 5 USC 301

CFR Citation: 32 CFR 40

Legal Deadline: None.

Abstract: This part is designed to prescribe standards of conduct required of all DoD personnel, regardless of assignment. It is being formulated to reflect statutory and regulatory changes. This action will provide updated guidelines of DoD personnel to observe when making decisions or taking action.

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	51 FR 31651
NPRM Comment Period End	11/03/86	51 FR 31651
Final Action Effective	05/06/87	52 FR 23267
Final Action	06/19/87	52 FR 23267

Small Entity: No

Agency Contact: R. DuFresne, Department of Defense, Office of the Secretary, 202 695-3272

RIN: 0790-AA78

364. ● DEFENSE CONTRACTING, REPORTING PROCEDURES OF DEFENSE RELATED EMPLOYMENT

Legal Authority: 10 USC 2397

CFR Citation: 32 CFR 40a

Legal Deadline: None.

Abstract: This part reports the names of contractors who have been awarded $10,000,000 or more in defense contracts during the fiscal year.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/06/87	52 FR 23298
Final Action	06/19/87	52 FR 23298

Small Entity: No

Agency Contact: J. Sungenis, Department of Defense, Office of the Secretary, 202 746-0334

RIN: 0790-AA79

365. ● PERSONNEL SECURITY PROGRAM (DOD 5200.2-R)

Legal Authority: EO 10450; EO 12356; EO 10865; EO 12333

CFR Citation: 32 CFR 154

DOD—OS

Completed Actions

Legal Deadline: None.

Abstract: This part prescribes the policy and procedures for the Department of Defense governing access to classified information and employment in sensitive positions by DoD military, civilian and contractor personnel. It also specifies the nature and extent of the investigative scope required for a DoD security clearance and employment in a variety of sensitive positions.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/02/87	52 FR 11219
Final Action	04/08/87	52 FR 11219

Small Entity: No

Agency Contact: P. Nelson, Department of Defense, Office of the Secretary, 202 697-3969

RIN: 0790-AA81

366. ● AVAILABILITY OF DOD DIRECTIVES, DOD INSTRUCTIONS, DOD PUBLICATIONS, AND CHANGES

Legal Authority: 10 USC 133; 31 USC 483a

CFR Citation: 32 CFR 289

Legal Deadline: None.

Abstract: This amendment is to notify individuals that DoD 5025.1-I, "DoD Directives System Quarterly Index," has been changed to "DoD Directives System Annual Index." The Annual Index will be issued each January followed by three quarterly change installments.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/31/87	52 FR 10225
Final Action	03/31/87	52 FR 10225

Small Entity: No

Agency Contact: L. Bynum, Department of Defense, Office of the Secretary, 202 697-4111

RIN: 0790-AA88

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

AGENCY: Department of the Army, DoD.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army which updates the report published on April 27, 1987 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulations contained in this agenda do not meet the criteria of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.); does not have priority status; and is not a major rule under the standards of E.O. 12291. The regulation "Airfield Certification and Use of Army Airfields by other than US Department of Defense Aircraft" contains OMB approval reporting requirements as specified under "The Paperwork Reduction Act," of the regulations contained in this agenda. None comes under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, please contact the specific individual. For general information, please contact Mr. John O. Roach, telephone 202-325-6255 or write HQDA, SFIS-APP, Room 1010, Hoffman I, Alexandria, Virginia 22331-0302.

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Prerule Stage

367. THE ARMY GENERAL COUNSEL'S HONORS PROGRAMS

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None.

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed. The document explains the methods of application and the requirements and procedures for the appointment to that office.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, 202 695-0562

RIN: 0702-AA00

368. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN US DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Prescribes responsibilities and procedures with regard to use of US Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
End Review	10/00/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Robert C. Cole, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, **703 272-7796**

RIN: 0702-AA02

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Final Rule Stage

369. REGULATIONS AFFECTING MILITARY RESERVATIONS; FIREARMS AND WEAPONS

Legal Authority: 10 USC 3012; 15 USC 1601; 18 USC 1382; 31 USC 72; 40 USC 258a; 41 USC 14; 50 USC 797

CFR Citation: 32 CFR 552

Legal Deadline: None.

Abstract: This regulation establishes the criteria for possessing, carrying, concealing, and transporting firearms and/or other deadly or dangerous weapons on the Fort Stewart/Hunter Army Airfield installation. This regulation provides guidance on prohibited items and the requirements for possessing, use, and storage under certain conditions for anyone (military or civilian) employed on visiting, or traveling through on the above installation.

Timetable:

Action	Date	FR Cite
NPRM	12/16/86	51 FR 4497
NPRM Comment Period End	02/16/87	
Final Action Effective	01/00/88	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: Cpt Richard Luebke, Principal Attorney, Department of Defense, Department of the Army, Commander, 24th Infantry Div (Mech) & Ft. Stewart, ATT: AFZP-JAA, Ft. Stewart, GA 31314, **912 767-2953**

RIN: 0702-AA16

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Completed Actions

370. CONTROLLING ACCESS TO MAIN CANTONMENT AREA, FORT LEWIS MILITARY RESERVATION, WASHINGTON AND PROHIBITING CERTAIN FORMS OF CONDUCT UPON FORT LEWIS MILITARY RESERVATION

Legal Authority: 10 USC 3012; 18 USC 1382; 50 USC 797

CFR Citation: 32 CFR 552

Legal Deadline: None.

Abstract: Fort Lewis has been declared a closed post and it is intended that these regulations will give notice to members of the public of the rules governing entry to the Main Cantonment Area of the Fort Lewis Military Reservation, Fort Lewis, Washington, and certain conduct prohibited upon Fort Lewis Military Reservation.

Timetable:

Action	Date	FR Cite
Final Action	07/09/87	52 FR 25861
Final Action Effective	07/09/87	52 FR 25861

Small Entity: Not Applicable

Agency Contact: Capt. John McDaniel, Principal Attorney, Department of Defense, Department of the Army, Office of the Staff Judge Advocate, I Corps and Fort Lewis, ATT: AFZH-JAA, Ft. Lewis, WA 98433, **206 967-6153**

RIN: 0702-AA15

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

371. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D--ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix D

Legal Deadline: None.

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and state resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
NPRM Comment Period End	07/00/88	
Final Action	09/00/88	

Small Entity: No

Government Levels Affected: Local, State, Federal

DOD—COE

Proposed Rule Stage

Agency Contact: Sam Collinson, Chief, Regulation Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710-AA17

372. REGULATORY PROGRAM OF THE CORPS OF ENGINEERS, NATIONWIDE PERMITS

Legal Authority: 33 USC 403; 33 USC 1344

CFR Citation: 33 CFR 330

Legal Deadline: None.

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
Final Action	04/30/88	

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Agency Contact: John Studt, Chief, Technical Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, CECW-OR, 202 272-0199

RIN: 0710-AA20

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

373. ENVIRONMENTAL QUALITY, PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Significance: Regulatory Program

Legal Authority: 42 USC 4321

CFR Citation: 33 CFR 230

Legal Deadline: None.

Abstract: Revisions will streamline Corps NEPA procedures consistent with improved management techniques and reduce unnecessary regulatory burdens on applicants who seek Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1387
Final Action	09/30/87	

Small Entity: No

Additional Information: Additional agency contact: Ms. Janet O'Neill (202) 272-0201

Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Mr. Richard L. Makinen, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-RE, 202 272-0166

RIN: 0710-AA11

374. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS PART 325, APP. C, HISTORIC PROPERTIES

Legal Authority: 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Legal Deadline: None.

Abstract: Procedure for protection of historic properties and compliance with Sections 106 and 110(f) of the National Historic Preservation Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
NPRM Comment Period End	06/04/84	49 FR 19036
Final Action	12/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sam Collinson, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0200

RIN: 0710-AA12

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Completed Actions

375. CORPS OF ENGINEERS MANAGEMENT OF ARMY AND AIR FORCE REAL PROPERTY

Legal Authority: 5 USC 301; 10 USC 3012

CFR Citation: 32 CFR 644

Legal Deadline: None.

Abstract: Chapter 8 of FR 405-1-12 is mainly comprised of instructions and evidence relating to internal agency procedures for managing and administering real property and interests in real property controlled by the Army and Air Force. Accordingly, it was determined that the entire chapter does not require publication in the Federal Register.

Timetable:

Action	Date	FR Cite
Withdrawn Never published in the Federal Register	03/06/87	

Small Entity: Undetermined

Agency Contact: Mr. Terrence Wilmer, Chief, Programs Division, Department of Defense, U.S. Army Corps of Engineers, ATTN: CERE-P, Washington, DC 20314-1000, 202 272-0522

RIN: 0710-AA14

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

AGENCY: Department of the Navy, DoD.

ACTION: This agenda updates the report published on April 27, 1987, and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), has priority status, is a major rule under E.O. 12291, or contains reporting requirements under the "Paperwork Act." Further, none of the regulations comes under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Alcinda P. Wenberg, telephone 202-695-0792 or write to Department of the Navy, Chief of Naval Operations, OP-945C, Washington, DC 20350-2000.

376. DELIVERY OF PERSONNEL; SERVICE OF PROCESS AND SUBPOENA; PRODUCTION OF OFFICIAL RECORDS

Legal Authority: 5 USC 301; 10 USC 5031; 10 USC 5148; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 720

Legal Deadline: None.

Abstract: To revise and clarify rules on litigation.

Timetable:

Action	Date	FR Cite
Withdrawn Never published in the Federal Register.	07/30/87	

Small Entity: No

Agency Contact: CDR William Henderson, Department of Defense, Department of the Navy, Judge Advocate General, 200 Stovall St., Alexandria, VA 22332, 202 325-9870

RIN: 0703-AA14

377. ● AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATIONS OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC; CORRECTION

Legal Authority: 5 USC 552a; 32 CFR 286a

CFR Citation: 32 CFR 701, (Corrected)

Legal Deadline: None.

Abstract: To include two paragraphs which were inadvertently omitted from Department of the Navy's Privacy Act Program directive.

Timetable:

Action	Date	FR Cite
Final Action	05/07/87	52 FR 17294

Small Entity: No

Agency Contact: Mrs. Gwendolyn R. Aitken, Department of Defense, Department of the Navy, Chief of Naval Operations (OP-09B30), Washington, DC 20350-2000, 202 697-1459

RIN: 0703-AA20

378. ● AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF THE DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC; AMENDMENT

Legal Authority: 5 USC 552a; 32 CFR 286a

CFR Citation: 32 CFR 701, (Amended)

Legal Deadline: None.

Abstract: To provide an amended regulation pertaining to the Department of the Navy Privacy Act Program.

Timetable:

Action	Date	FR Cite
Final Action	04/07/87	52 FR 11051

Small Entity: No

Agency Contact: Mrs. Gwendolyn R. Aitken, Department of Defense, Department of the Navy, Chief of Naval Operations (OP-09B30), Washington, DC 20350-2000, 202 694-2004

RIN: 0703-AA21

379. ● BASE ENTRY REGULATIONS FOR NAVAL INSTALLATIONS IN THE STATE OF HAWAII

Legal Authority: 50 USC 797; 5 USC 301; 10 USC 6011; 32 CFR 700.702; 32 CFR 770.714

CFR Citation: 32 CFR 770

Legal Deadline: None.

Abstract: To amend the Base Entry Regulations for Naval Installations in the State of Hawaii, to reflect that cognizant commander authorized to grant access to Kahoolawe Island and Kaula is Commander Naval Base, Pearl Harbor, HI, Vice Commander Third Fleet.

Timetable:

Action	Date	FR Cite
Final Action	05/29/87	52 FR 20074

Small Entity: No

Agency Contact: Staff Judge Advocate, Department of Defense, Department of the Navy, Commander Naval Base, Pearl Harbor, HI 96880-5020, **808 471-0284**

RIN: 0703-AA22

380. ● GENERAL CLAIMS REGULATIONS, AMENDMENT

Legal Authority: 5 USC 301; 10 USC 2733; 10 USC 5031; 10 USC 5148; 31 USC 3701 to 3721; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 750, (Amended)

Legal Deadline: None.

Abstract: To update and clarify General Claims Regulations for better understanding by the public.

Timetable:

Action	Date	FR Cite
Final Action	07/08/87	52 FR 25595

Small Entity: No

Agency Contact: CDR M. D. Hannas, Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, **202 325-9880**

RIN: 0703-AA23

381. ● PERSONNEL CLAIMS REGULATIONS, AMENDMENT

Legal Authority: 5 USC 301; 10 USC 2733; 10 USC 5031; 10 USC 5148; 31 USC 3701 to 3721; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 751, (Amended)

Legal Deadline: None.

Abstract: To update and clarify Personnel Claims Regulations for better understanding by the public.

Timetable:

Action	Date	FR Cite
Final Action	07/08/87	52 FR 25598

Small Entity: No

Agency Contact: CDR M. D. Hannas, Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, **202 325-9880**

RIN: 0703-AA24

382. ● RULES GOVERNING PUBLIC ACCESS; KAHOOLAWE ISLAND AND KAULA, HI

Legal Authority: 50 USC 797; 5 USC 301; 10 USC 6011; 32 CFR 700.702; 32 CFR 700.714; 3 CFR 1949 to 1953 Comp. p. 930 (1958)

CFR Citation: 32 CFR 763, (Amended)

Legal Deadline: None.

Abstract: To amend the Rules Governing Public Access to reflect that Kahoolawe Island and Kaula, HI, are now under cognizance of Commander Naval Base, Pearl Harbor, HI, Vice Commander Third Fleet.

Timetable:

Action	Date	FR Cite
Final Action	05/29/87	52 FR 20073

Small Entity: No

Agency Contact: Staff Judge Advocate, Department of Defense, Department of the Navy, Commander Naval Base, Pearl Harbor, HI 96860-5020, **808 471-0284**

RIN: 0703-AA25

383. ● AFFIRMATIVE CLAIMS REGULATIONS, AMENDMENT

Legal Authority: 5 USC 301; 10 USC 5031; 10 USC 5148; 31 USC 3701 to 3721; 42 USC 2651 to 2653; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 757, (Amended)

Legal Deadline: None.

Abstract: To update and clarify Affirmative Claims Regulations for better understanding by the public.

Timetable:

Action	Date	FR Cite
Final Action	07/08/87	52 FR 25600

Small Entity: No

Agency Contact: CDR M. D. Hannas, Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, **202 325-9880**

RIN: 0703-AA26

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

AGENCY: Department of the Air Force, DoD.

ACTION: This agenda updates the report published on April 27, 1987, and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to these rules. These rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). These rules do not have an impact on international trade and therefore the provisions of the GATT Agreement do not apply.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Patsy J. Conner, telephone (202) 693-2166, or write Department of the Air Force, SAF/AADSJR, Pentagon, Washington, DC 20330-1000.

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Prerule Stage

384. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR (New)

Legal Deadline: None.

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
48 CFR Ch 53, AFLC FARS; Surplus Material Acquisition	10/30/86	51 FR 39676
48 CFR 5350, AF FARS; Extraordinary Contractual Actions	11/12/86	51 FR 40977
48 CFR 5316, AF FARS; Types of Contracts	03/03/87	52 FR 6332
48 CFR 5315, AF FARS; Price Negotiation	03/04/87	52 FR 6590
48 CFR 5315, AF FARS; Contracting by Negotiation	04/16/87	52 FR 12414
End Review	06/00/88	

Small Entity: No

Agency Contact: Col. Halberstadt, Special Assistant for FAR, Department of Defense, Department of the Air Force, SAF/AQCF, **202 695-3858**

RIN: 0701-AA14

385. DELIVERY OF AIR FORCE PERSONNEL TO U.S. CIVILIAN AUTHORITIES FOR TRIAL (AFR 111-11)

Legal Authority: 10 USC 8012; 10 USC 814

CFR Citation: 32 CFR 884

Legal Deadline: None.

Abstract: Regulation sets forth the authority, policy and procedures for delivery of Air Force personnel to United States civil authorities for trial.

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Col Dixon, Chief, Military Justice Division, Department of Defense, Department of the Air Force, HQ USAF/JAJM, Bldg 5683, Bolling AFB, DC 20332-6128, **202 767-1539**

RIN: 0701-AA20

386. ENVIRONMENTAL IMPACT ANALYSIS PROCESS (ANGR 19-02)

Legal Authority: 10 USC 8012

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Identifies Air National Guard's policies and procedures for the Environmental Impact Analysis Process (EIAP).

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Mr. Householder, Environmental Engineer, Department of Defense, Department of the Air Force, ANGSC/DEV, Andrews AFB, MD 20331-6008, **301 981-4048**

RIN: 0701-AA22

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

387. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8012 Sec 8012, 70A Stat. 488

CFR Citation: 32 CFR 837

Legal Deadline: None.

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

Timetable:

Action	Date	FR Cite
End Review	12/00/86	
NPRM	12/00/87	

Small Entity: No

Agency Contact: Lt Col Hessenflow, Department of Defense, Department of the Air Force, HQ USAF (SAF/PASX), Washington, DC 20330, **202 697-4100**

RIN: 0701-AA18

388. CLAIMS AND TORT LITIGATION (AFR 112-1)

Legal Authority: 10 USC 8012 as amended

CFR Citation: 32 CFR 842

Legal Deadline: None.

Abstract: Establishes standard policies and procedures to administratively process claims.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/86	
End Review	08/00/87	
NPRM	11/00/87	

Small Entity: No

Agency Contact: Lt Col Kilroy, Department of Defense, Department of the Air Force, HQ USAF/JACC, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1575

RIN: 0701-AA19

389. ISSUING CERTIFICATES IN LIEU OF LOST OR DESTROYED CERTIFICATES OF SEPARATION (AFR 35-96)

Legal Authority: 10 USC 8012 Sec 8012, 70 Stat. 488; 10 USC 1041

CFR Citation: 32 CFR 887

Legal Deadline: None.

Abstract: Regulation tells who may apply for a certificate in lieu of a lost or destroyed certificate of separation and where and how to apply. Revision includes examples on how to prepare certificates to ensure the three agencies

authorized to issue the certificates follow the same format.

Timetable:

Action	Date	FR Cite
End Review	12/00/86	
NPRM	10/00/87	

Small Entity: No

Agency Contact: Mr. Garcia, Military Personnel Management Specialist, Department of Defense, Department of the Air Force, HQ AFMPC/DPMDOP, Randolph AFB, TX 78150-6001, **512 652-2089**

RIN: 0701-AA21

390. PERSONAL FINANCIAL RESPONSIBILITY (AFR 35-18)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 818

Legal Deadline: None.

Abstract: Establishes Air Force policy governing delinquent financial obligations and sets forth procedures for processing any claims of this nature. It is designed to ensure that Air Force members pay their just financial obligations in a proper and timely manner.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Mr. Taylor, Department of Defense, Department of the Air Force, HQ AFMPC/DPMASC2, Randolph AFB, TX 78150-6001, **512 652-3578**

RIN: 0701-AA23

391. ● AIR FORCE VISUAL INFORMATION SYSTEMS (AFR 700-32)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 811; 32 CFR 811a

Legal Deadline: None.

Abstract: Establishes policy for the management of the Air Force visual information documentation program. Establishes policy on the release, dissemination and sale of Air Force visual information materials.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Maj. Cultice, Department of Defense, Department of the Air Force, HQ USAF/SCV, Washington, DC 20330, **202 695-9610**

RIN: 0701-AA25

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

392. FOREIGN TAX RELIEF PROGRAM (AFR 110-18)

Legal Authority: DODD 5100.64, dtd 12 Aug 70; 32 CFR 211

CFR Citation: 32 CFR 848

Legal Deadline: None.

Abstract: Implements DOD foreign taxation on DOD expenditures in foreign countries.

Timetable:

Action	Date	FR Cite
No action expected next 12 months	00/00/00	

Small Entity: No

Agency Contact: Mr. Carroll, Department of Defense, Department of the Air Force, HQ USAF/JACI, **202 695-9631**

RIN: 0701-AA12

393. AIRCRAFT ARRESTING SYSTEMS (AFR 55-42)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 856

Legal Deadline: None.

Abstract: Establishes policy on managing aircraft arresting systems including installation of systems at joint-use airports and use of systems by non-United States government aircraft.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	02/28/86	
NPRM	01/09/87	52 FR 803
NPRM Comment Period End	02/09/87	
Final Action	05/29/87	52 FR 20074
Final Action Effective	06/29/87	52 FR 20074

Small Entity: No

Agency Contact: Lt Col Purcell, Department of Defense, Department of the Air Force, HQ USAF/LEEV, Bldg 516, Bolling AFB, Washington, DC 20332-5000, **202 767-6240**

RIN: 0701-AA17

394. PERSONAL COMMERCIAL AFFAIRS (AFR 211-16)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 818a

Legal Deadline: None.

Abstract: Sets policy for private commercial solicitation and sales on Air Force installations, to include private commercial activities by individuals who reside on Air Force installations. It is designed to safeguard and promote the welfare and interests of military personnel as consumers.

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	52 FR 9499
NPRM Comment Period End	04/24/87	52 FR 9499
Final Action	05/12/87	52 FR 17756
Final Action Effective	06/11/87	52 FR 17756

Small Entity: No

Agency Contact: MSgt Hollett, Department of Defense, Department of the Air Force, HQ AFMPC/DPMASC, Randolph AFB, TX 78150-6001, **512 652-3996**

RIN: 0701-AA24

[FR Doc. 87-21234 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the semiannual agenda of Federal regulations.

SUMMARY: The Secretary of Education publishes a Semiannual Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin 87-16 issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 87-16, dated June 25, 1987, prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

Dated: September 15, 1987.

Charles E. M. Kolb,

Acting General Counsel.

Departmental Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
395	U.S. Exchange Visitor Program - Request for Waiver of the Two- year Foreign Residence Requirement	1880-AA29
396	Education Department General Administrative Regulations -- Definitions That Apply to Department Regulations	1880-AA31

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
397	Grantee Suspension and Debarment	1880-AA25
398	Disposal and Utilization of Surplus Real Property For Educational Purposes	1880-AA27
399	Debt Collection	1880-AA09
400	Education Department General Administrative Regulations -- Amendments II	1880-AA24

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Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
401	Debt Collection; Interest on Outstanding Debts	1880-AA03
402	Audit Requirements for State and Local Governments	1880-AA26
403	Uniform Administrative Requirements for Grants to State and Local Governments	1880-AA15
404	Family Educational Rights and Privacy Act	1880-AA08
405	Education Department Acquisition Regulation (EDAR)	1880-AA16

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
406	Advisory Committee Management	1880-AA18
407	Salary Offset for Department of Education Employees to Recover Overpayment of Pay or Allowances	1880-AA30
408	Education Department General Administrative Regulations-- Amendments I	1880-AA19

Office of Bilingual Education and Minority Languages Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
409	Transition Program for Refugee Children	1885-AA10

Office of Bilingual Education and Minority Languages Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
410	Bilingual Education: Academic Excellence Program	1885-AA11
411	Bilingual Education: Fellowship Program	1885-AA14
412	Bilingual Education: State Educational Agency Program	1885-AA15
413	Bilingual Education: Evaluation Assistance Centers and Multifunctional Resource Centers	1885-AA13

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
414	Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	1870-AA08
415	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
416	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

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Office of Educational Research and Improvement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
417	Partnerships in Education for Mathematics, Science, and Engineering	1850-AA15
418	Educational Research Grant Program	1850-AA23
419	Regional Educational Laboratories and Research and Development Centers Program: General Provisions; Regional Educational Laboratories; and Research and Development Centers	1850-AA28
420	College Library Resources Program	1850-AA21
421	Library Career Training Program	1850-AA24
422	Strengthening Research Library Resources Program	1850-AA22
423	College Library Technology and Cooperation Grants	1850-AA26
424	Territorial Teacher Training Assistance Program	1850-AA10
425	National Assessment of Educational Progress	1850-AA31

Office of Educational Research and Improvement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
426	Library Research and Demonstration Program	1850-AA25

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
427	Capacity-Building for Statistical Activities in State Agencies- Government in the Sunshine Act	1850-AA18
428	Secretary's Discretionary Program -- Amendments	1850-AA14
429	Office of Educational Research and Improvement Fellows Program	1850-AA27
430	Drug-Free Schools and Communities Program Training and Demonstration Grants to Institutions of Higher Education; and Federal Activities Program	1850-AA29
431	National Diffusion Network	1850-AA19

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
432	Assist. for LEAs in Areas Affected by Fed. Acts. and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Pub. Ed.--Heavily Impacted District; Avg. Daily Attendance/Membership	1810-AA20
433	Indian Education Act - Formula Grants to LEAs and Tribal Schools Amendments (Certification of Eligibility)	1810-AA28

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
434	Follow Through Program	1810-AA25
435	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed.--Sec. 2, Fed. Acquisition/Real Property	1810-AA22
436	Indian Education: Formula Grants to LEAs and Tribal Schools; Indian-Controlled Schools Enrichment; Indian Fellowship Program (Amendments)	1810-AA36

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Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
437	Special Education Program for Students Whose Parents are Engaged in Migrant and Other Seasonal Farmwork- High School Equivalency and College Assist. Migrant Programs	1810-AA34
438	Assistance for School Construction in Areas Affected by Federal Activities (SAFA)	1810-AA05
439	Drug-Free Schools and Communities -- Hawaiian Natives Program	1810-AA32
440	Drug-Free Schools and Communities -- Regional Centers Program	1810-AA31
441	Christa McAuliffe Fellowship Program	1810-AA35
442	Indian Education Act - Formula Grants to LEAs and Tribal Schools (Eligibility Standards)	1810-AA33
443	Desegregation of Public Education	1810-AA27
444	Women's Educational Equity Program	1810-AA16

Office of Planning and Budget and Evaluation—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
445	Availability of Information to the Public Pursuant to Public Law 90-23	1875-AA03
446	Privacy Act Regulations	1875-AA02

Office of Planning and Budget and Evaluation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
447	Release of Adverse Information to News Media - Official Seal	1875-AA04

Office of Postsecondary Education—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
448	Secretary's Recognition Procedures for National Accrediting Bodies and Agencies	1840-AB15
449	Federal-State Relationship Agreements	1840-AB09
450	Financial Assistance for Construction, Reconstruction, or Renovation of Higher Education Facilities	1840-AB10

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
451	Secretary's Recognition Procedures for National Accrediting Agencies and Associations	1840-AA57
452	Drug Free Schools and Communities Act -- IHEs	1840-AB11
453	Training Program for Special Program Staff and Leadership Personnel	1840-AB01
454	Talent Search Program	1840-AB12
455	Educational Opportunities Centers Program	1840-AB13
456	Paul Douglas Teacher Scholarships -- Interest Rates	1840-AB02
457	Robert C. Byrd Honors Scholarship Program	1840-AB06
458	National Resource Centers	1840-AA64
459	Foreign Languages and Area Studies Fellowships Program, Part I	1840-AA65
460	Foreign Languages and Area Studies Fellowships Program, Part II	1840-AA66
461	Student Assistance General Provisions - Verification 1989-90	1840-AB07
462	Language Resources Centers Program	1840-AA67
463	Intensive Summer Language Institutes	1840-AA68
464	Foreign Periodicals Program	1840-AA69

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Office of Postsecondary Education—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
465	Income Contingent Loan Program - Due Diligence	1840-AB04
466	Disclosure of Foreign Gifts	1840-AA75
467	Guaranteed Student Loan/PLUS/Supplemental Loan/Consolidation Loan Programs	1840-AA96
468	Targeted Teacher Deferment	1840-AB03
469	Treatment of Territories and Territorial Student Assistance	1840-AA74

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
470	Institutional Eligibility Under the Higher Education Act of 1965, as amended, and the College Housing Program	1840-AA32
471	Minority Science Improvement Program	1840-AA89
472	Paul Douglas Teacher Scholarship Program	1840-AB14
473	Student Assistance General Provisions - Subparts A, B, C	1840-AA79
474	Perkins Loan Program (formerly the National Direct Student Loan Program) Subpart C - Due Diligence	1840-AA02
475	Perkins Loan Program, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs)	1840-AA03
476	Pell Grant Program	1840-AA97
477	State Student Incentive Grant Program	1840-AA59

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
478	College Facilities Loan Program	1840-AA70
479	Strengthening Institutions Program	1840-AA62
480	Endowment Challenge Grant Program	1840-AA81
481	Veterans' Educational Outreach Program	1840-AA76
482	Fund for the Improvement of Postsecondary Education -- Innovative Projects for Student Community Services	1840-AA60
483	Cooperative Education Program	1840-AA73
484	Law School Clinical Experience Program	1840-AA88
485	Strengthening Historically Black Colleges and Universities	1840-AB00
486	Talent Search Program	1840-AA71
487	Educational Opportunities Centers Program	1840-AA72
488	Upward Bound Program	1840-AA78
489	Upward Bound Program	1840-AA84
490	Student Support Services	1840-AA77
491	Student Support Services	1840-AA82
492	Patricia Roberts Harris Fellows Program	1840-AA86
493	Jacob K. Javits Fellows Program	1840-AA87
494	Undergraduate International Studies and Foreign Language Program	1840-AA80
495	International Research and Studies Program	1840-AA83
496	Business and International Education Program	1840-AA85
497	Student Assistance General Provisions -- Subparts A, D, F, G	1840-AA11
498	Student Assistance General Provisions - Subpart H	1840-AA92
499	Income Contingent Loan Program Demonstration Project	1840-AA58
500	Campus-Based Programs, 1988-89	1840-AA98

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Office of Special Education and Rehabilitative Services—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
501	Training Programs for Teachers of Handicapped Children in Areas with a Shortage	1820-AA75
502	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
503	Assistance to States for Education of Handicapped Children	1820-AA71
504	Preschool Grants for Handicapped Children's Program	1820-AA48
505	Grants for Infants and Toddlers with Handicaps	1820-AA49
506	Removal of Architectural Barriers to the Handicapped Program	1820-AA51
507	Regional Resource and Federal Centers Program	1820-AA52
508	Services for Deaf-Blind Children and Youth Program	1820-AA53
509	Training Personnel for the Education of the Handicapped - Parent Training and Information Centers; Special Projects; and General	1820-AA68
510	Captioned Films Loan Service for the Deaf Program and Educational Media Loan Service for the Handicapped Program	1820-AA61
511	Technology, Educational Media, and Materials for the Handicapped	1820-AA63
512	Field Initiated Research	1820-AA80
513	Handicapped Research: Research Fellowship Program	1820-AA66
514	NIDRR - Research Training and Career Development Program	1820-AA77
515	The State Vocational Rehabilitation Services Program	1820-AA40
516	Rehabilitation Services Administration General Deregulation Review	1820-AA45
517	The State Independent Living Rehabilitation Services Program	1820-AA37
518	Independent Living Services for Older Blind Individuals	1820-AA41
519	Vocational Rehabilitation Services to Individuals with Severe Handicaps/Special Projects and Demonstrations for Providing Supported Employment Serv. to Indiv. with Severe Handicaps	1820-AA76
520	Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youths with Handicaps	1820-AA74

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
521	Research in Education of the Handicapped Program	1820-AA69
522	Handicapped Special Studies Program	1820-AA72
523	Miscellaneous Technical Amendments to the Rehabilitation Services Regulations	1820-AA39

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
524	Handicapped Children's Early Education Program	1820-AA54
525	Programs for Severely Handicapped Children	1820-AA55
526	Training Personnel for the Education of the Handicapped - Grants to State Educational Agencies and Institutions of Higher Education	1820-AA56
527	Clearinghouses for the Handicapped Program	1820-AA58
528	Secondary Education and Transitional Services for Handicapped Youth Program	1820-AA59
529	Educational Media Research, Production, Distribution, and Training	1820-AA73
530	National Institute on Disability and Rehabilitation Research - Amendments	1820-AA65
531	The State Vocational Rehabilitation Services Program - Additional Amendments	1820-AA46
532	The State Supported Employment Services Program	1820-AA44
533	Projects for American Indians with Handicaps and Long-term Training	1820-AA43
534	Vocational Rehabilitation Service Projects for American Indians with Handicaps - deregulation	1820-AA79

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Office of Special Education and Rehabilitative Services—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
535	Rehabilitation Training: Rehabilitation Long-term Training - deregulation	1820-AA78

Office of Intergovernmental and Interagency Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
536	Intergovernmental Review of Department of Education Programs and Activities -- List of Programs	1860-AA00

Miscellaneous Department of Education—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
537	Inventions and Patents -- General	1801-AA04

Miscellaneous Department of Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
538	Equal Access to Justice	1801-AA01
539	Due Process Regulations	1801-AA02

Miscellaneous Department of Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
540	Program Fraud Civil Remedies	1801-AA05

DEPARTMENT OF EDUCATION (ED)

Prerule Stage

Departmental Management (EDMAN)

395. U.S. EXCHANGE VISITOR PROGRAM - REQUEST FOR WAIVER OF THE TWO- YEAR FOREIGN RESIDENCE REQUIREMENT

Legal Authority: 8 USC 1182(e); 22 USC 2451

CFR Citation: 34 CFR 50

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/88	
End Review	04/00/88	

Small Entity: Undetermined

Agency Contact: Kathleen Hunter, Special Assistant to the Director, Interagency Operations, Department of Education, Departmental Management, Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW (Rm. 3023, FOB-6), Washington, DC 20202, 202 472-5812

RIN: 1880-AA29

396. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS -- DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 077

ED—EDMAN **Prerule Stage**

Legal Deadline: None.

Abstract: See Preamble: The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Part 77 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	12/00/87	

Small Entity: Not Applicable

Agency Contact: Hazel Fiers, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Room 3021), Washington, DC 20202, 202 472-5123

RIN: 1880-AA31

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Proposed Rule Stage

397. GRANTEE SUSPENSION AND DEBARMENT

Legal Authority: EO 12549; 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 000

Legal Deadline: None.

Abstract: These regulations would contain criteria and minimum due process procedures for suspension and debarment of ED assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	05/29/88	

Small Entity: Undetermined

Agency Contact: Mary Jane Kane, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3637, ROB-3), Washington, DC 20202, 202 732-7400

RIN: 1880-AA25

398. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

Legal Authority: 40 USC 484

CFR Citation: 34 CFR 12

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
Final Action	10/00/88	

Small Entity: No

Agency Contact: David B. Hakola, Staff Assistant, Administrator for Management Services, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1175, FOB-6, Washington, DC 20202, 202 245-0306

RIN: 1880-AA27

399. DEBT COLLECTION

Significance: Regulatory Program

Legal Authority: 31 USC 3701 to 3720a

CFR Citation: 34 CFR 030

Legal Deadline: None.

Abstract: These proposed regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Standards, and OMB Circular A-50 regarding establishment of a debt collection program.

The proposed regulations would improve management and accountability of Federal funds and are designed to establish an efficient, equitable, and effective program for the collection of debts owed to the Department of Education.

Separate regulations regarding employee salary offset are being published in 34 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Ron Bake, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3034 FOB-6), Washington, DC 20202, 202 472-6032

RIN: 1880-AA09

400. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS -- AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 75; 34 CFR 76

Legal Deadline: None.

Abstract: See Preamble. The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Parts 75 and 76 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3021, FOB-6), Washington, DC 20202, 202 472-5123

RIN: 1880-AA24

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

401. DEBT COLLECTION; INTEREST ON OUTSTANDING DEBTS

Legal Authority: 20 USC 1221e-3(a)(1); 20 USC 3474(a); 31 USC 3717

CFR Citation: 34 CFR 030

Legal Deadline: None.

Abstract: These regulations would establish Departmental policies for assessing interest on outstanding debts and implementing the interest assessment provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	07/11/84	49 FR 28264
NPRM Comment Period End	08/27/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Frank Stidman, Director, Financial Assistance, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3109, FOB-6), Washington, DC 20202, **202 245-2964**

RIN: 1880-AA03

402. AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301; 31 USC 7505(a)

CFR Citation: 34 CFR 74

Legal Deadline: None.

Abstract: These regulations would implement the Single Audit Act of 1984 and the Office of Management and Budget Circular No. A-128.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/85	50 FR 37356
Final Action Effective	10/28/85	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Guido Piacesi, Auditor, Office of the Inspector General, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 4200, Switzer), Washington, DC 20202, **202 245-0271**

RIN: 1880-AA26

403. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 80; 34 CFR 74

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current ED regulations codified at 34 CFR Part 74 were adopted to implement both Circular A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. To implement revised Circular A-102, ED will adopt regulations approved by OMB affecting grantees that are State, local, and Indian tribal governments in 34 CFR Part 80. Regulations for the grantees covered by Circular A-110 will be retained in an amended 34 CFR Part 74.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21820
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3021 FOB-6), Washington, DC 20202, **202 472-5123**

RIN: 1880-AA15

404. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Significance: Regulatory Program

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 099

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	06/10/87	52 FR 2250
Final Action	12/00/87	

Small Entity: No

Agency Contact: Patricia Ballinger, Student Family Education Rights & Privacy, Office, Department of Education, Departmental Management, 400 Maryland Ave., SW, (Rm. 3021, FOB-6), Washington, DC 20202, **202 732-2058**

RIN: 1880-AA08

405. EDUCATION DEPARTMENT ACQUISITION REGULATION (EDAR)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR Chapter 34

Legal Deadline: None.

Abstract: These regulations implement the Federal Acquisition Regulation within the Department of Education, and include additional policies, procedures, solicitation provisions, and contract clauses.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: Richard Galloway, Chief, Acquisition Policy Branch, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3519, ROB-3), Washington, DC 20202, **202 732-2525**

RIN: 1880-AA16

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Departmental Management (EDMAN)

406. ADVISORY COMMITTEE MANAGEMENT

CFR Citation: 34 CFR 11

Completed:

Reason	Date	FR Cite
Final Action	07/02/87	52 FR 25152
Final Action Effective	09/07/87	

Small Entity: Undetermined

Agency Contact: Ann Bailey 202 732-3677

RIN: 1880-AA18

407. SALARY OFFSET FOR DEPARTMENT OF EDUCATION EMPLOYEES TO RECOVER OVERPAYMENT OF PAY OR ALLOWANCES

CFR Citation: 34 CFR 32

Completed:

Reason	Date	FR Cite
Final Action	07/01/87	52 FR 24956
Final Action Effective	07/31/87	

Small Entity: No

Agency Contact: Charles J. Walters 202 245-3087

RIN: 1880-AA30

408. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS– AMENDMENTS I

CFR Citation: 34 CFR 75; 34 CFR 76

Completed:

Reason	Date	FR Cite
Final Action	07/24/87	52 FR 27801
Final Action Effective	09/07/87	

Small Entity: Undetermined

Agency Contact: Hazel Fiers 202 472-5123

RIN: 1880-AA19

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

409. TRANSITION PROGRAM FOR REFUGEE CHILDREN

Significance: Regulatory Program

Legal Authority: 8 USC 1522(d)

CFR Citation: 34 CFR 538

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW (Rm. 421 Rptrs. Bldg.), Washington, DC 20202, 202 732-5070

RIN: 1885-AA10

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

410. BILINGUAL EDUCATION: ACADEMIC EXCELLENCE PROGRAM

CFR Citation: 34 CFR 502; 34 CFR 504; 34 CFR 524

Completed:

Reason	Date	FR Cite
Final Action	08/13/87	52 FR 30322
Final Action Effective	09/27/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear 202 732-5070

RIN: 1885-AA11

411. BILINGUAL EDUCATION: FELLOWSHIP PROGRAM

CFR Citation: 34 CFR 562

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: No

Agency Contact: Fayetta McAlear 202 245-2600

RIN: 1885-AA14

412. BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROGRAM

CFR Citation: 34 CFR 548

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear 202 245-2600

RIN: 1885-AA15

413. BILINGUAL EDUCATION: EVALUATION ASSISTANCE CENTERS AND MULTIFUNCTIONAL RESOURCE CENTERS

CFR Citation: 34 CFR 549; 34 CFR 575

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear 202 732-5070

RIN: 1885-AA13

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office for Civil Rights (OCR)

414. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 105

Legal Deadline: None.

Abstract: This regulation would specify the applicability of Sec. 504 of the Rehabilitation Act of 1973 to the federally conducted pro- grams of the Department of Education. Sec. 504 prohibits discrimination on the basis of an individual's handicap.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	05/00/88	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Office for Civil Rights, Department of Education, 400 Md. Ave., SW, Rm. 3021, FOB-6, Washington, D.C. 20202, 202 472-5123

RIN: 1870-AA08

415. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Legal Deadline: None.

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Terence J. Pell, Acting Deputy Assistant Secretary, for Policy, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA06

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office for Civil Rights (OCR)

416. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None.

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Terence J. Pell, Acting Deputy Assistant Secretary, for Policy, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Room 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA05

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Educational Research and Improvement (OERI)

417. PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

Legal Authority: PL 99-159

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: These proposed regulations would implement certain provisions in the Education for Economic Security Act, as amended by the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	10/00/88	

Small Entity: Undetermined

Agency Contact: Patricia Alexander, Senior Associate, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 4132, FOB-6, Washington, DC 20202, 202 732-3566

RIN: 1850-AA15

418. EDUCATIONAL RESEARCH GRANT PROGRAM

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 700

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

ED—OERI Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Lawrence Bussey, Senior Management Analyst, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, (Rm. 610 - Cap. Pl. Bldg.), Washington, DC 20202, **202 357-6239**

RIN: 1850-AA23

419. REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS PROGRAM: GENERAL PROVISIONS; REGIONAL EDUCATIONAL LABORATORIES; AND RESEARCH AND DEVELOPMENT CENTERS

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 706; 34 CFR 707; 34 CFR 708

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Lawrence Bussey, Senior Management Analyst, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 610 Cap. Pl. Bldg., Washington, DC 20202, **202 357-6239**

RIN: 1850-AA28

420. COLLEGE LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 773

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW - Rm 402, Capitol Place Bldg. Washington, DC 20202, **202 357-6315**

RIN: 1850-AA21

421. LIBRARY CAREER TRAINING PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 776

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW - Rm 402Cap. Pl. Bldg., Washington, DC 20202, **202 357-6315**

RIN: 1850-AA24

422. STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 778

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW - Rm 402, Capitol Place Bldg. - Washington, DC 20202, **202 357-6315**

RIN: 1850-AA22

423. COLLEGE LIBRARY TECHNOLOGY AND COOPERATION GRANTS

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 779

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 402 Cap. Pl. Bldg., Washington, DC 20202, **202 357-6315**

RIN: 1850-AA26

424. TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM

Legal Authority: PL 95-561

CFR Citation: 34 CFR 790

Legal Deadline: None.

Abstract: See Preamble. These proposed regulations would also amend 34 CFR 790.2 (Eligible Parties) to promote increased participation in the Territorial Teacher Training Program on the part of the institutions of higher education in each respective territory.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Haroldie Spriggs, Project Officer, Programs for the Improvement of Practices, Department of Education, Office of Educational Research and Improvement, 400

ED—OERI

Proposed Rule Stage

Maryland Ave., SW, Rm. 508, Capitol Place Bldg., Washington, DC 20202, 202 357-6149

RIN: 1850-AA10

425. ● NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Legal Authority: PL 99-498

CFR Citation: 34 CFR 796

Legal Deadline: None.

Abstract: These proposed regulations would implement certain provisions of Sec. 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Maureen Treacy, Education Program Analyst, Department of Education, Office of Educational Research and Improvement, Office of Educational Research and Improv., 400 Md. Ave., SW, Rm. 517, Cap. Pl. Bldg., Washington, D.C. 20202, 202 357-6734

RIN: 1850-AA31

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Final Rule Stage

426. LIBRARY RESEARCH AND DEMONSTRATION PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 777

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	05/00/88	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW - Rm. 402, Cap. Pl. Bldg., Washington, DC 20202, 202 357-6315

RIN: 1850-AA25

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Completed Actions

427. CAPACITY-BUILDING FOR STATISTICAL ACTIVITIES IN STATE AGENCIES- GOVERNMENT IN THE SUNSHINE ACT

CFR Citation: 34 CFR 726; 34 CFR 705

Completed:

Reason	Date	FR Cite
Final Action	05/26/87	52 FR 19510
Final Action Effective	07/16/87	

Small Entity: Undetermined

Agency Contact: Macknight Black 202 357-6594

RIN: 1850-AA18

428. SECRETARY'S DISCRETIONARY PROGRAM -- AMENDMENTS

CFR Citation: 34 CFR 760

Completed:

Reason	Date	FR Cite
Final Action	06/12/87	52 FR 22441
Final Action Effective	07/27/87	

Small Entity: No

Agency Contact: John H. Burkett 202 732-3566

RIN: 1850-AA14

429. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT FELLOWS PROGRAM

CFR Citation: 34 CFR 762

Completed:

Reason	Date	FR Cite
Final Action	08/10/87	52 FR 29608
Final Action Effective	09/24/87	

Small Entity: Undetermined

Agency Contact: Steve Clements 202 357-6050

RIN: 1850-AA27

430. DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM TRAINING AND DEMONSTRATION GRANTS TO INSTITUTIONS OF HIGHER EDUCATION; AND FEDERAL ACTIVITIES PROGRAM

Significance: Regulatory Program

CFR Citation: 34 CFR 764; 34 CFR 765; 34 CFR 766

Completed:

Reason	Date	FR Cite
Final Action	07/30/87	52 FR 28526
Final Action Effective	09/13/87	

Small Entity: No

Agency Contact: John K. Burkett 202 732-3566

RIN: 1850-AA29

431. NATIONAL DIFFUSION NETWORK

CFR Citation: 34 CFR 785; 34 CFR 786; 34 CFR 787; 34 CFR 788; 34 CFR 789

Completed:

Reason	Date	FR Cite
Final Action	08/14/87	52 FR 30612
Final Action Effective	09/28/87	

Small Entity: Undetermined

ED—OERI

Completed Actions

Agency Contact: Lois N. Weinberg 202 357-6147

RIN: 1850-AA19

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Elementary and Secondary Education (OESE)

432. ASSIST. FOR LEAS IN AREAS AFFECTED BY FED. ACTS. AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUB. ED.--HEAVILY IMPACTED DISTRICT; AVG. DAILY ATTENDANCE/MEMBERSHIP

Legal Authority: 20 USC 236; 20 USC 238; 20 USC 240; 20 USC 242; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None.

Abstract: These proposed regulations would implement section 3(d)(2)(B) of the Impact Aid law, P.L. 81-874, which authorizes supplemental payments enabling LEAs that are heavily impacted by federally connected children to provide a level of education that is equivalent to that maintained in comparable school districts. These regulations would also establish definitions and procedures for calculating payments for LEAs in States that do not collect average daily attendance data. These regulations would also establish standards for determining when an SEA can apply as an LEA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA20

433. INDIAN EDUCATION ACT - FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS AMENDMENTS (CERTIFICATION OF ELIGIBILITY)

Legal Authority: 20 USC 241aa to 241h; 20 USC 1221h(a),(c)

CFR Citation: 34 CFR 251

Legal Deadline: None.

Abstract: These amendments would amend the regulations to govern the certification of children to be counted as "Indian or "Alaskan Native" under the formula grants program of the Indian Education Act, Title IV-A of P.L. 92-318. These regulations would clarify what documentation is necessary to constitute a completed certification.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37260
Final Action	04/00/88	

Small Entity: No

Agency Contact: Ervin Keith, Acting Deputy Director, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW (Rm. 2177, FOB-6), Washington, DC 20202, 202 732-1887

RIN: 1810-AA28

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Elementary and Secondary Education (OESE)

434. FOLLOW THROUGH PROGRAM

Legal Authority: 42 USC 9861 to 9868

CFR Citation: 34 CFR 215

Legal Deadline: None.

Abstract: See Preamble. These regulations provide for a reduction of the Follow Through Program by placing greater emphasis on the demonstration and dissemination of effective approaches designed to improve the school performance of low-income children in kindergarden and primary grades, and to expand eligible applicants to include new as well as existing grantees.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	52 FR 15896
Final Action	10/00/87	

Small Entity: No

Agency Contact: James M. Spillane, Director, Division of Program Support, Department of Education, Office of Elementary and Secondary Education, Compensatory Education, 400 Maryland Ave., SW (Rm. 2017, FOB-6), Washington, DC 20202, 202 732-4694

RIN: 1810-AA25

435. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED.--SEC. 2, FED. ACQUISITION/REAL PROPERTY

Legal Authority: 20 USC 236; 20 USC 237; 20 USC 238; 20 USC 239; 20 USC 240; 20 USC 242; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None.

Abstract: These amendments would implement section 2 of the Impact Aid Law, P.L. 81-874, which authorizes payments to supplement local real property tax revenues for local educational agencies upon which the Federal Government has imposed a burden due to the acquisition and removal of real property from the local tax tax rolls. These amendments would establish definitions and procedures for eligibility and entitlement determinations under sections 2 and 3. These regulations also would amend general definitions relating to applications under Secs. 2, 3, and 4 of PL 81-874.

ED—OESE

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	52 FR 16144
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA22

436. INDIAN EDUCATION: FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS; INDIAN-CONTROLLED SCHOOLS ENRICHMENT; INDIAN FELLOWSHIP PROGRAM (AMENDMENTS)

Legal Authority: 20 USC 241aa to 241ff; 20 USC 3385b

CFR Citation: 34 CFR 251; 34 CFR 253; 34 CFR 263

Legal Deadline: None.

Abstract: These technical amendments would implement Section 4133 of the Drug-Free Schools and Communities Act of 1986, Subtitle B of Title IV of PL 99-570.

Timetable:

Action	Date	FR Cite
Final Action	02/29/88	

Small Entity: No

Agency Contact: Ervin Keith, Deputy Director, Department of Education, Office of Elementary and Secondary Education, Office of Elementary and Secondary Ed., 400 Maryland Ave, SW, (Room 2177), Washington, DC 20202, 202 732-1887

RIN: 1810-AA36

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Completed Actions

437. SPECIAL EDUCATION PROGRAM FOR STUDENTS WHOSE PARENTS ARE ENGAGED IN MIGRANT AND OTHER SEASONAL FARMWORK-HIGH SCHOOL EQUIVALENCY AND COLLEGE ASSIST. MIGRANT PROGRAMS

CFR Citation: 34 CFR 206

Completed:

Reason	Date	FR Cite
Final Action	07/01/87	52 FR 24918
Final Action Effective	09/07/87	

Small Entity: No

Agency Contact: John F. Staehle 202 732-4746

RIN: 1810-AA34

438. ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES (SAFA)

CFR Citation: 34 CFR 221

Completed:

Reason	Date	FR Cite
Final Action	05/05/87	52 FR 16748
Final Action Effective	06/19/87	

Small Entity: No

Agency Contact: W. Stanley Kruger 202 732-3637

RIN: 1810-AA05

439. DRUG-FREE SCHOOLS AND COMMUNITIES -- HAWAIIAN NATIVES PROGRAM

Significance: Regulatory Program

CFR Citation: 34 CFR 230

Completed:

Reason	Date	FR Cite
Final Action	07/16/87	52 FR 26918
Final Action Effective	09/07/87	

Small Entity: Undetermined

Agency Contact: Dick Hays 202 732-4599

RIN: 1810-AA32

440. DRUG-FREE SCHOOLS AND COMMUNITIES -- REGIONAL CENTERS PROGRAM

Significance: Regulatory Program

CFR Citation: 34 CFR 235

Completed:

Reason	Date	FR Cite
Final Action	07/16/87	52 FR 26922
Final Action Effective	09/07/87	

Small Entity: Undetermined

Agency Contact: Dick Hays 202 732-4599

RIN: 1810-AA31

441. CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

CFR Citation: 34 CFR 237

Completed:

Reason	Date	FR Cite
Final Action	07/14/87	52 FR 26466
Final Action Effective	09/07/87	

Small Entity: No

Agency Contact: Ms. Willi Webb 202 245-8720

RIN: 1810-AA35

442. INDIAN EDUCATION ACT - FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS (ELIGIBILITY STANDARDS)

CFR Citation: 34 CFR 250; 34 CFR 251

Completed:

Reason	Date	FR Cite
Final Action	07/28/87	52 FR 28232
Final Action Effective	09/11/87	

Small Entity: No

Agency Contact: Ervin Keith 202 732-1887

RIN: 1810-AA33

443. DESEGREGATION OF PUBLIC EDUCATION

CFR Citation: 34 CFR 270; 34 CFR 271; 34 CFR 272

Completed:

Reason	Date	FR Cite
Final Action	07/01/87	52 FR 24962
Final Action Effective	09/07/87	

ED—OESE

Completed Actions

Small Entity: Undetermined

Agency Contact: Steven L. Brockhouse 202 732-4342

RIN: 1810-AA27

444. WOMEN'S EDUCATIONAL EQUITY PROGRAM

CFR Citation: 34 CFR 245; 34 CFR 246; 34 CFR 247

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Ms. Janice Williams-Madison 202 472-2276

RIN: 1810-AA16

DEPARTMENT OF EDUCATION (ED)

Office of Planning and Budget and Evaluation (OPBE)

Prerule Stage

445. AVAILABILITY OF INFORMATION TO THE PUBLIC PURSUANT TO PUBLIC LAW 90-23

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 34 CFR 5

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/88	
End Review	03/00/88	

Small Entity: Undetermined

Agency Contact: Alexia Roberts, Freedom of Information Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 732-4568

RIN: 1875-AA03

446. PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 301; 5 USC 552a

CFR Citation: 34 CFR 5b

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/88	
End Review	04/00/88	

Small Entity: Undetermined

Agency Contact: Chiquitta Thomas, Privacy Act Specialist, Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 732-4313

RIN: 1875-AA02

DEPARTMENT OF EDUCATION (ED)

Office of Planning and Budget and Evaluation (OPBE)

Final Rule Stage

447. RELEASE OF ADVERSE INFORMATION TO NEWS MEDIA - OFFICIAL SEAL

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 17; 34 CFR 3

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Mahlon Anderson, Deputy Director of Public Affairs, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 732-4564

RIN: 1875-AA04

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Prerule Stage

448. ● SECRETARY'S RECOGNITION PROCEDURES FOR NATIONAL ACCREDITING BODIES AND AGENCIES

Legal Authority: 20 USC 403(b); 20 USC 1085(b); 20 USC 1141(a); 20 USC 1248(11)

CFR Citation: 34 CFR 603

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/88	
End Review	05/00/88	

Small Entity: Undetermined

Agency Contact: James B. Williams, Special Assistant to the Deputy Assistant, Secretary for Higher Education Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., Rm. 3082 - ROB-3, Washington, DC 20202, 202 245-9758

RIN: 1840-AB15

449. ● FEDERAL-STATE RELATIONSHIP AGREEMENTS

Legal Authority: 20 USC 1143

CFR Citation: 34 CFR 604

Legal Deadline: None.

Abstract: See Preamble.

ED—OPE **Prerule Stage**

Timetable:

Action	Date	FR Cite
Begin Review	03/00/88	
End Review	05/00/88	

Small Entity: No

Agency Contact: James B. Williams, Special Assistant to the Deputy Assistant, Secretary for Higher Education Programs, Department of Education, Office of Postsecondary Education, 400 Md. Ave., S.W., (Rm. 3082 - ROB-3), Washington, DC 20202, 202 245-9758

RIN: 1840-AB09

450. ● FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF HIGHER EDUCATION FACILITIES

Legal Authority: 20 USC 1132a to 1132c-1

CFR Citation: 34 CFR 617

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/88	
End Review	06/00/88	

Small Entity: Undetermined

Agency Contact: Leo Paskewietz, Office of Policy Development, Office of Postsecondary Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., Rm. 4060 - ROB-3, Washington, DC 20202, 202 732-3551

RIN: 1840-AB10

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Proposed Rule Stage

451. SECRETARY'S RECOGNITION PROCEDURES FOR NATIONAL ACCREDITING AGENCIES AND ASSOCIATIONS

Significance: Regulatory Program

Legal Authority: 20 USC 1058; 20 USC 1061; 20 USC 1085; 20 USC 1088; 20 USC 1141; 20 USC 1401

CFR Citation: 34 CFR 602; 34 CFR 603

Legal Deadline: None.

Abstract: An accrediting body must conform to certain criteria to be recognized by the Secretary. The National Advisory Committee on Accreditation and Institutional Eligibility reviewed the criteria and recommended changes to the Secretary for improvement. These regulations would implement these changes.

Timetable:

Action	Date	FR Cite
NPRM	09/08/87	52 FR 33908
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: James B. Williams, Special Assistant to the Deputy Assistant, Secretary for Higher Education Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave (Room 3082 ROB-3), Washington, DC 20202, 202 245-9758

RIN: 1840-AA57

452. ● DRUG FREE SCHOOLS AND COMMUNITIES ACT – IHES

Legal Authority: PL 99-570

CFR Citation: 34 CFR 630

Legal Deadline: None.

Abstract: These regulations would establish procedures and criteria for selection of recipients for awards under this program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	04/00/88	

Small Entity: No

Agency Contact: Ronald Bucknam, Fund for the Improvement of Postsecondary, Education, Department of Education, Office of Postsecondary Education, 400 Md. Ave., S.W., (Room 3100 - ROB-3), Washington, DC 20202, 202 245-8100

RIN: 1840-AB11

453. TRAINING PROGRAM FOR SPECIAL PROGRAM STAFF AND LEADERSHIP PERSONNEL

Legal Authority: PL 99-498

CFR Citation: 34 CFR 642

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Daniel Davis, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AB01

454. ● TALENT SEARCH PROGRAM

Legal Authority: 20 USC 1070d-1

CFR Citation: 34 CFR 643

Legal Deadline: None.

Abstract: These proposed regulations would revise the criteria that the Secretary would use to evaluate applications for funds under this program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Daniel Davis, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., (Rm. 3012 - ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AB12

455. ● EDUCATIONAL OPPORTUNITIES CENTERS PROGRAM

Legal Authority: 20 USC 1070d; 20 USC 1070d1c

CFR Citation: 34 CFR 644

Legal Deadline: None.

Abstract: These proposed regulations would revise the criteria that the Secretary would use to evaluate applications for funds under this program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Daniel Davis, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., (Rm. 3012 - ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AB13

456. ● PAUL DOUGLAS TEACHER SCHOLARSHIPS -- INTEREST RATES

Legal Authority: 20 USC 111 to 111h

CFR Citation: 34 CFR 653

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Technical Amendments Act of 1987 (PL 100-50).

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson, Chief, State Student Incentive Grant, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., (Room 4018 - ROB-3), Washington, DC 20202, 202 732-4507

RIN: 1840-AB02

457. ● ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Legal Authority: 20 USC 1070d; 20 USC 1070d31

CFR Citation: 34 CFR 654

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	07/00/88	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson, Chief, State Student Incentive, Grant Program, Department of Education, Office of Postsecondary Education, 400 Md. Ave., (Rm. 4018, ROB-3), Washington, D.C. 20202, 202 732-4507

RIN: 1840-AB06

458. NATIONAL RESOURCE CENTERS

Legal Authority: PL 99-498

CFR Citation: 34 CFR 656

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	52 FR 37064
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA64

459. FOREIGN LANGUAGES AND AREA STUDIES FELLOWSHIPS PROGRAM, PART I

Legal Authority: PL 99-498

CFR Citation: 34 CFR 657

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA65

460. FOREIGN LANGUAGES AND AREA STUDIES FELLOWSHIPS PROGRAM, PART II

Legal Authority: PL 99-498

CFR Citation: 34 CFR 657

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202W, (Rm. 3054 ROB-3), 202 732-3304

RIN: 1840-AA66

461. ● STUDENT ASSISTANCE GENERAL PROVISIONS - VERIFICATION 1989-90

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), Tax Reform Act of 1986, and the compact of Free Association.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Verification Development Section, Student Verification Branch, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., (Room 4613 - ROB-3), Washington, DC 20202, **202 472-6200**

RIN: 1840-AB07

462. LANGUAGE RESOURCES CENTERS PROGRAM

Legal Authority: 20 USC 1123

CFR Citation: 34 CFR 669

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
Final Action	09/00/88	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3045 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA67

463. INTENSIVE SUMMER LANGUAGE INSTITUTES

Legal Authority: 20 USC 1124a

CFR Citation: 34 CFR 670

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	10/00/88	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA68

464. FOREIGN PERIODICALS PROGRAM

Legal Authority: 20 USC 1125a

CFR Citation: 34 CFR 671

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	10/00/88	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA69

465. ● INCOME CONTINGENT LOAN PROGRAM - DUE DILIGENCE

Legal Authority: 20 USC 1087a to 1087c

CFR Citation: 34 CFR 673

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments Act of 1986 (99-498).

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: William Moran, Director, Division of Policy and, Program Development, Department of Education, Office of Postsecondary Education, Office of Postsecondary Education, 400 Md. Ave., SW, (Rm. 4100, ROB-3), Washington, D.C. 20202, **202 732-5219**

RIN: 1840-AB04

466. DISCLOSURE OF FOREIGN GIFTS

Legal Authority: PL 99-498

CFR Citation: 34 CFR 680

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	
Final Action	11/00/88	

Small Entity: Undetermined

Agency Contact: Joan E. Duval, Division of Eligibility and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3030 ROB-3), Washington, DC 20202, **202 245-9703**

RIN: 1840-AA75

467. GUARANTEED STUDENT LOAN/PLUS/SUPPLEMENTAL LOAN/CONSOLIDATION LOAN PROGRAMS

Legal Authority: 20 USC 1071 et seq

CFR Citation: 34 CFR 682; 34 CFR 683

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Larry Oxendine, Acting Chief, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4310 ROB-3), Washington, DC 20202, **202 245-2475**

RIN: 1840-AA96

468. ● TARGETED TEACHER DEFERMENT

Legal Authority: PL 100-50

CFR Citation: 34 CFR 682

Legal Deadline: None.

ED—OPE

Proposed Rule Stage

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Technical Amendments Act of 1987 (PL 100-50).

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	05/00/88	

Small Entity: No

Agency Contact: Larry Oxendine, Acting Chief, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, Office of Postsecondary Ed., 400 Md. Ave., S.W. (Rm. 4310 - ROB-3), Washington, DC 20202, 202 732-4242

RIN: 1840-AB03

469. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

Legal Authority: 20 USC 1144a

CFR Citation: 34 CFR 696

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
Final Action	09/00/88	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, Office of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4060 ROB-3), Washington, DC 20202, 202 732-3551

RIN: 1840-AA74

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Final Rule Stage

470. INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED, AND THE COLLEGE HOUSING PROGRAM

Significance: Regulatory Program

Legal Authority: 20 USC 1088; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600

Legal Deadline: None.

Abstract: These regulations establish procedures the Secretary would use to determine the eligibility of institutions and schools of postsecondary education that apply to participate in any of the programs authorized by the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/21/86	51 FR 37366
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Joan E. Duval, Acting Director, Div. of Eligibility and Agency Evaluation, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW (Rm. 3030, ROB-3), Washington, DC 20202, 202 732-4906

RIN: 1840-AA32

471. MINORITY SCIENCE IMPROVEMENT PROGRAM

Legal Authority: 20 USC 1021 et seq

CFR Citation: 34 CFR 637

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Charles Griffith, Director, Division of Higher Ed. Incentive Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, 202 732-4389

RIN: 1840-AA89

472. ● PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

Legal Authority: PL 100-50

CFR Citation: 34 CFR 653

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Technical Amendments Act of 1987 (PL 100-50).

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson, Chief, State Student Incentive Grant, Department of Education, Office of Postsecondary Education, Office of Postsecondary Education, 400 Md. Ave., S.W. (Rm. 4018, ROB-3), Washington, DC 20202, 202 732-4507

RIN: 1840-AB14

473. STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPARTS A, B, C

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498) to Subparts A, B, and C. Deregulation principals would be applied to Subpart B.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, 202 732-4888

RIN: 1840-AA79

ED—OPE

Final Rule Stage

474. PERKINS LOAN PROGRAM (FORMERLY THE NATIONAL DIRECT STUDENT LOAN PROGRAM) SUBPART C - DUE DILIGENCE

Significance: Regulatory Program

Legal Authority: 20 USC 1087aa to 1087ii

CFR Citation: 34 CFR 674

Legal Deadline: None.

Abstract: These amendments to Subpart C of the regulations provide strict standards in procedures for the collection of student loans under the Perkins Loan Program and will help reduce the number of defaulted loans under that program.

Timetable:

Action	Date	FR Cite
NPRM	02/26/85	50 FR 7872
NPRM Comment Period End	04/12/85	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-Based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, Room 4018, ROB-3, Washington, DC 20202, **202 732-4490**

RIN: 1840-AA02

475. PERKINS LOAN PROGRAM, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS (CAMPUS-BASED PROGRAMS)

Legal Authority: 20 USC 1087aa to 1087ii; 42 USC 2751 to 2756b; 20 USC 1070b to 1070b-3

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None.

Abstract: See Preamble. These final regulations would also include certain provisions of the Higher Education Act of 1965, amended by Higher Education Amendments of 1986 (P.L. 99-498).

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 8050
NPRM Comment Period End	04/29/85	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Room 4018, ROB-3, Washington, DC 20202, **202 732-4490**

RIN: 1840-AA03

476. PELL GRANT PROGRAM

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498) and the Higher Education Technical Amendments Act of 1987 (PL 100-50).

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, **202 732-4888**

RIN: 1840-AA97

477. STATE STUDENT INCENTIVE GRANT PROGRAM

Legal Authority: 20 USC 1070c; 20 USC 1070c3

CFR Citation: 34 CFR 692

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	06/18/87	52 FR 23260
Final Action	12/01/87	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson, Chief, State Student Incentive Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., (Rm. 4018, ROB-3), Washington, DC 20202, **202 732-4507**

RIN: 1840-AA59

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

478. COLLEGE FACILITIES LOAN PROGRAM

CFR Citation: 34 CFR 614

Completed:

Reason	Date	FR Cite
Final Action	08/14/87	52 FR 30560
Final Action Effective	09/28/87	

Small Entity: Undetermined

Agency Contact: Sumner Bravman 202 732-4394

RIN: 1840-AA70

479. STRENGTHENING INSTITUTIONS PROGRAM

CFR Citation: 34 CFR 607

Completed:

Reason	Date	FR Cite
Final Action	08/14/87	52 FR 30526
Final Action Effective	09/28/87	

Small Entity: Undetermined

Agency Contact: Caroline J. Gillin 202 732-3338

RIN: 1840-AA62

480. ENDOWMENT CHALLENGE GRANT PROGRAM

CFR Citation: 34 CFR 628

ED—OPE

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	09/28/87	52 FR 36374
Final Action Effective	11/12/87	

Small Entity: Undetermined

Agency Contact: Caroline J. Gillin 202 732-3338

RIN: 1840-AA81

481. VETERANS' EDUCATIONAL OUTREACH PROGRAM

CFR Citation: 34 CFR 629

Completed:

Reason	Date	FR Cite
Final Action	08/11/87	52 FR 29824
Final Action Effective	09/25/87	

Small Entity: Undetermined

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840-AA76

482. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION -- INNOVATIVE PROJECTS FOR STUDENT COMMUNITY SERVICES

CFR Citation: 34 CFR 630

Completed:

Reason	Date	FR Cite
Final Action	07/21/87	52 FR 27523
Final Action Effective	09/07/87	

Small Entity: Undetermined

Agency Contact: John E. Donahue 202 245-8091

RIN: 1840-AA60

483. COOPERATIVE EDUCATION PROGRAM

CFR Citation: 34 CFR 631; 34 CFR 632; 34 CFR 633; 34 CFR 634; 34 CFR 635; 34 CFR 636

Completed:

Reason	Date	FR Cite
Final Action	08/05/87	52 FR 29140
Final Action Effective	09/19/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith 202 732-4369

RIN: 1840-AA73

484. LAW SCHOOL CLINICAL EXPERIENCE PROGRAM

CFR Citation: 34 CFR 639

Completed:

Reason	Date	FR Cite
Final Action	04/16/87	52 FR 12508
Final Action Effective	06/05/87	

Small Entity: Undetermined

Agency Contact: Charles H. Miller 202 245-9720

RIN: 1840-AA88

485. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

CFR Citation: 34 CFR 641

Completed:

Reason	Date	FR Cite
Final Action	08/14/87	52 FR 30536
Final Action Effective	09/28/87	

Small Entity: Undetermined

Agency Contact: Caroline S. Gillin 202 732-3308

RIN: 1840-AB00

486. TALENT SEARCH PROGRAM

CFR Citation: 34 CFR 643

Completed:

Reason	Date	FR Cite
Final Action	07/23/87	52 FR 27774
Final Action Effective	09/07/87	

Small Entity: No

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840-AA71

487. EDUCATIONAL OPPORTUNITIES CENTERS PROGRAM

CFR Citation: 34 CFR 644

Completed:

Reason	Date	FR Cite
Final Action	07/29/87	52 FR 28420
Final Action Effective	09/12/87	

Small Entity: Undetermined

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840-AA72

488. UPWARD BOUND PROGRAM

CFR Citation: 34 CFR 645

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840-AA78

489. UPWARD BOUND PROGRAM

CFR Citation: 34 CFR 645

Completed:

Reason	Date	FR Cite
Final Action	07/23/87	52 FR 27776
Final Action Effective	09/07/87	

Small Entity: Undetermined

Agency Contact: Daniel Davies 202 732-4922

RIN: 1840-AA84

490. STUDENT SUPPORT SERVICES

CFR Citation: 34 CFR 646

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840-AA77

491. STUDENT SUPPORT SERVICES

CFR Citation: 34 CFR 646

Completed:

Reason	Date	FR Cite
Final Action	07/24/87	52 FR 27906
Final Action Effective	09/07/87	

Small Entity: Undetermined

Agency Contact: Daniel Davies 202 732-4922

RIN: 1840-AA82

492. PATRICIA ROBERTS HARRIS FELLOWS PROGRAM

CFR Citation: 34 CFR 649

ED—OPE

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	06/10/87	52 FR 22284
Final Action Effective	07/25/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith 202 732-4389

RIN: 1840-AA86

493. JACOB K. JAVITS FELLOWS PROGRAM

CFR Citation: 34 CFR 650

Completed:

Reason	Date	FR Cite
Final Action	08/06/87	52 FR 29356
Final Action Effective	09/20/87	

Small Entity: Undetermined

Agency Contact: Allen P. Cissell 202 732-4415

RIN: 1840-AA87

494. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

CFR Citation: 34 CFR 658

Completed:

Reason	Date	FR Cite
Final Action	07/29/87	52 FR 28422
Final Action Effective	09/12/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840-AA80

495. INTERNATIONAL RESEARCH AND STUDIES PROGRAM

CFR Citation: 34 CFR 660

Completed:

Reason	Date	FR Cite
Final Action	07/29/87	52 FR 28424
Final Action Effective	09/12/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840-AA83

496. BUSINESS AND INTERNATIONAL EDUCATION PROGRAM

CFR Citation: 34 CFR 661

Completed:

Reason	Date	FR Cite
Final Action	07/29/87	52 FR 28426
Final Action Effective	09/12/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840-AA85

497. STUDENT ASSISTANCE GENERAL PROVISIONS -- SUBPARTS A, D, F, G

Significance: Regulatory Program

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43320
Final Action Effective	01/29/87	

Small Entity: No

Agency Contact: Fred Sellers 202 732-4888

RIN: 1840-AA11

498. STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART H

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	08/12/87	52 FR 30114
Final Action Effective	09/26/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers 202 732-4888

RIN: 1840-AA92

499. INCOME CONTINGENT LOAN PROGRAM DEMONSTRATION PROJECT

Significance: Regulatory Program

CFR Citation: 34 CFR 673

Completed:

Reason	Date	FR Cite
Final Action	05/12/87	52 FR 17900
Final Action Effective	06/26/87	

Small Entity: Undetermined

Agency Contact: William Moran 202 732-5219

RIN: 1840-AA58

500. CAMPUS-BASED PROGRAMS, 1988-89

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Completed:

Reason	Date	FR Cite
Withdrawn	08/05/87	

Small Entity: Undetermined

Agency Contact: Margaret Henry 202 732-4490

RIN: 1840-AA98

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Prerule Stage

501. TRAINING PROGRAMS FOR TEACHERS OF HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

Legal Authority: 20 USC 1119b to 1119b-5

CFR Citation: 34 CFR 322

Legal Deadline: None.

Abstract: See preamble.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/88	
End Review	06/00/88	

Small Entity: Undetermined

Agency Contact: Angele Thomas, Acting Division Director, Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Ed. and Rehab. Services, 400

ED—OSERS

Prerule Stage

Md. Ave., SW (Rm. 3904-Switzer Bldg.), Washington, DC 20202, 202 732-1100

RIN: 1820-AA75

502. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Legal Authority: 29 USC 701 to 731

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
Begin Review	01/00/88	
End Review	05/00/88	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA47

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Proposed Rule Stage

503. ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1401; 20 USC 1412; 20 USC 1413

CFR Citation: 34 CFR 300

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Paul Chassy, Acting Branch Chief, Program Administrative Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3613 - Switzer Bldg), Washington, DC 20202, 202 732-1079

RIN: 1820-AA71

504. PRESCHOOL GRANTS FOR HANDICAPPED CHILDREN'S PROGRAM

Legal Authority: 20 USC 1419

CFR Citation: 34 CFR 301

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Nancy Treusch, Educational Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, Switzer Bldg. (Rm. 4094), Washington, DC 20202, 202 732-1097

RIN: 1820-AA48

505. GRANTS FOR INFANTS AND TODDLERS WITH HANDICAPS

Legal Authority: 20 USC 1471 to 1485

CFR Citation: 34 CFR 303

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Thomas B. Irvin, Deputy Director, Division of Program Analysis and Planning, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3092 - Switzer Bldg.), Washington, DC 20202, 202 732-1012

RIN: 1820-AA49

506. REMOVAL OF ARCHITECTURAL BARRIERS TO THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1406

CFR Citation: 34 CFR 304

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Sandra Brotman, Education Program Specialist, Program Administrative Branch, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW (Rm. 3615 - Switzer Bldg.), Washington, DC 20202, 202 732-1031

RIN: 1820-AA51

507. REGIONAL RESOURCE AND FEDERAL CENTERS PROGRAM

Legal Authority: 20 USC 1421

CFR Citation: 34 CFR 305

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	09/00/88	

Small Entity: Undetermined

Agency Contact: Jeffrey Champagne, Acting Director, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3514

- Switzer Bldg.), Washington, DC 20202, **202 732-1056**

RIN: 1820-AA52

508. SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH PROGRAM

Legal Authority: 20 USC 1422

CFR Citation: 34 CFR 307

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Paul Thompson, Acting Division Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, **202 732-1161**

RIN: 1820-AA53

509. TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - PARENT TRAINING AND INFORMATION CENTERS; SPECIAL PROJECTS; AND GENERAL

Legal Authority: 20 USC 1431; 20 USC 1434

CFR Citation: 34 CFR 316; 34 CFR 318

Legal Deadline: None.

Abstract: These regulations are needed to clarify certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
Final Action	08/00/88	

Small Entity: No

Agency Contact: Angele Thomas, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3904 - Switzer Bldg), Washington, DC 20202, **202 732-1100**

RIN: 1820-AA68

510. CAPTIONED FILMS LOAN SERVICE FOR THE DEAF PROGRAM AND EDUCATIONAL MEDIA LOAN SERVICE FOR THE HANDICAPPED PROGRAM

Legal Authority: PL 99-457

CFR Citation: 34 CFR 330; 34 CFR 331

Legal Deadline: None.

Abstract: See preamble. These regulations are also needed to implement certain provisions the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Malcolm J. Norwood, Branch Chief, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, **202 732-1172**

RIN: 1820-AA61

511. TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR THE HANDICAPPED

Legal Authority: 20 USC 1461 to 1462

CFR Citation: 34 CFR 333

Legal Deadline: None.

Abstract: See preamble. These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg.), Washington, DC 20202, **202 732-1099**

RIN: 1820-AA63

512. ● FIELD INITIATED RESEARCH

Legal Authority: 29 USC 760 to 762

CFR Citation: 34 CFR 350; 34 CFR 357

Legal Deadline: None.

Abstract: These regulations are needed to redefine the scope of the program and to revise the selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., S.W., Rm. 3070 - Switzer Bldg., Washington, DC 20202, **202 732-1139**

RIN: 1820-AA80

513. HANDICAPPED RESEARCH: RESEARCH FELLOWSHIP PROGRAM

Legal Authority: 29 USC 761a(d)

CFR Citation: 34 CFR 356

Legal Deadline: None.

Abstract: These regulations are needed to amend existing regulations for program improvement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md, Ave., SW, (Rm. 3070 - Switzer Bldg.), Washington, DC 20202, **202 732-1139**

RIN: 1820-AA66

514. ● NIDRR - RESEARCH TRAINING AND CAREER DEVELOPMENT PROGRAM

Legal Authority: 29 USC 760 to 762

CFR Citation: 34 CFR 360

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the

Rehabilitation Amendments of 1986, P.L. 99-506.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., S.W., (Rm. 3070 Switzer), Washington, D.C. 20202, 202 732-1139

RIN: 1820-AA77

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515. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 701 to 731

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA40

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516. REHABILITATION SERVICES ADMINISTRATION GENERAL DEREGULATION REVIEW

Legal Authority: 29 USC 701 et seq

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390; ...

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: ADDITIONAL CFR CITATION: 34 CFR 395.

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA45

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517. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 365

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	05/00/88	

Small Entity: Undetermined

Agency Contact: Francis Corrigan, Deputy Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, (Rm. 3030, Switzer Building), Washington, DC 20202, 202 732-1287

RIN: 1820-AA37

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518. INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS

Legal Authority: 29 USC 796j

CFR Citation: 34 CFR 367

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA41

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519. VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS WITH SEVERE HANDICAPS/SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING SUPPORTED EMPLOYMENT SERV. TO INDIV. WITH SEVERE HANDICAPS

Legal Authority: 20 USC 777a(a)(1) and 777a(d)

CFR Citation: 34 CFR 373; 34 CFR 380

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, Room 3220, Switzer Bldg., Washington, DC 20202, 202 732-1299

RIN: 1820-AA76

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520. SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING TRANSITIONAL REHABILITATION SERVICES TO YOUTHS WITH HANDICAPS

Legal Authority: PL 99-506

CFR Citation: 34 CFR 376

Legal Deadline: None.

Abstract: These regulations would implement changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
Final Action	09/00/88	

ED—OSERS **Proposed Rule Stage**

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA74

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

521. RESEARCH IN EDUCATION OF THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1441; 20 USC 1442

CFR Citation: 34 CFR 324

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg), Washington, DC 20202, 202 732-1099

RIN: 1820-AA69

522. HANDICAPPED SPECIAL STUDIES PROGRAM

Legal Authority: 20 USC 1418

CFR Citation: 34 CFR 327

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	02/00/88	

Small Entity: No

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg), Washington, DC 20202, 202 732-1099

RIN: 1820-AA72

523. MISCELLANEOUS TECHNICAL AMENDMENTS TO THE REHABILITATION SERVICES REGULATIONS

Legal Authority: 29 USC 711(c); 29 USC 796(e); 29 USC 732; 29 USC 774; 29 USC 777b; 29 USC 777j; 29 USC 795g

CFR Citation: 34 CFR 366; 34 CFR 369; 34 CFR 370; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA39

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

524. HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

CFR Citation: 34 CFR 309

Completed:

Reason	Date	FR Cite
Final Action	08/11/87	52 FR 29816
Final Action Effective	09/25/87	

Small Entity: No

Agency Contact: Ruth Ward 202 732-1045

RIN: 1820-AA54

525. PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN

CFR Citation: 34 CFR 315

Completed:

Reason	Date	FR Cite
Final Action	08/24/87	52 FR 31958
Final Action Effective	10/08/87	

Small Entity: No

Agency Contact: Paul Thompson 202 732-1154

RIN: 1820-AA55

526. TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

CFR Citation: 34 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	07/08/87	52 FR 25830
Final Action Effective	09/07/87	

Small Entity: No

ED—OSERS

Completed Actions

Agency Contact: Angele Thomas 202 732-1100

RIN: 1820-AA56

527. CLEARINGHOUSES FOR THE HANDICAPPED PROGRAM

CFR Citation: 34 CFR 320

Completed:

Reason	Date	FR Cite
Final Action	07/15/87	52 FR 26656
Final Action Effective	09/07/87	

Small Entity: No

Agency Contact: Helen S. Corradino 202 732-1167

RIN: 1820-AA58

528. SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH PROGRAM

CFR Citation: 34 CFR 326

Completed:

Reason	Date	FR Cite
Final Action	09/10/87	52 FR 34368
Final Action Effective	10/25/87	

Small Entity: No

Agency Contact: William Halloran 202 732-1112

RIN: 1820-AA59

529. EDUCATIONAL MEDIA RESEARCH, PRODUCTION, DISTRIBUTION, AND TRAINING

CFR Citation: 34 CFR 332

Completed:

Reason	Date	FR Cite
Withdrawn	08/03/87	

Small Entity: Undetermined

Agency Contact: Malcolm J. Norwood 202 732-1172

RIN: 1820-AA73

530. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH - AMENDMENTS

CFR Citation: 34 CFR 350; 34 CFR 351; 34 CFR 352; 34 CFR 353; 34 CFR 354; 34 CFR 355; 34 CFR 356; 34 CFR 357; 34 CFR 358; 34 CFR 359

Completed:

Reason	Date	FR Cite
Final Action	08/12/87	52 FR 30060
Final Action Effective	09/26/87	

Small Entity: No

Agency Contact: Betty Jo Berland 202 732-1139

RIN: 1820-AA65

531. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - ADDITIONAL AMENDMENTS

CFR Citation: 34 CFR 361

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo 202 732-1299

RIN: 1820-AA46

532. THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

CFR Citation: 34 CFR 363

Completed:

Reason	Date	FR Cite
Final Action	08/14/87	52 FR 30546
Final Action Effective	09/28/87	

Small Entity: No

Agency Contact: Albert Rotundo 202 732-1299

RIN: 1820-AA44

533. PROJECTS FOR AMERICAN INDIANS WITH HANDICAPS AND LONG-TERM TRAINING

CFR Citation: 34 CFR 371; 34 CFR 386

Completed:

Reason	Date	FR Cite
Final Action	08/14/87	52 FR 30554
Final Action Effective	09/28/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo 202 732-1299

RIN: 1820-AA43

534. ● VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH HANDICAPS - DEREGULATION

Legal Authority: 29 USC 711(c)

CFR Citation: 34 CFR 371

Legal Deadline: None.

Abstract: See preamble

Timetable:

Action	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220 Switzer Building, Washington, D.C. 20202, 202 732-1299

RIN: 1820-AA79

535. ● REHABILITATION TRAINING: REHABILITATION LONG-TERM TRAINING - DEREGULATION

Legal Authority: 29 USC 774(a)

CFR Citation: 34 CFR 386

Legal Deadline: None.

Abstract: See preamble

Timetable:

Action	Date	FR Cite
Withdrawn	08/25/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitative Services Administration, Room 3220 Switzer Building, Washington, D.C. 20202, 202 732-1299

RIN: 1820-AA78

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

536. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES -- LIST OF PROGRAMS

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None.

Abstract: This regulatory action would propose those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79. The public will be given an opportunity to comment on the listing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: Leroy Walser, Executive Director, Federal Interagency Committee on Education, Department of Education, Office of Intergovernmental and Interagency Affairs, Room 503 Rpters. Bldg., Washington, DC 20202, **202 732-3669**

RIN: 1860-AA00

DEPARTMENT OF EDUCATION (ED)

Prerule Stage

Miscellaneous Department of Education (EDMIS)

537. INVENTIONS AND PATENTS -- GENERAL

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 6

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	03/00/88	

Small Entity: Undetermined

Agency Contact: Richard Galloway, Chief, Acquisition Policy Branch, Department of Education, Miscellaneous Department of Education, Departmental Management, 400 Maryland Ave., SW, (Rm. 3519, ROB-3), Washington, D.C. 20202, 202 732-2525

RIN: 1801-AA04

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Miscellaneous Department of Education (EDMIS)

538. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None.

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect recent amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	05/00/88	

Small Entity: Undetermined

Agency Contact: JoAnne Frey, General Attorney, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Ave., SW, Room 4122, Washington, DC 20202, **202 732-2690**

RIN: 1801-AA01

539. DUE PROCESS REGULATIONS

Legal Authority: 20 USC 1234; 20 USC 3872; 20 USC 1411 to 1420

CFR Citation: 34 CFR 78; 34 CFR 204; 34 CFR 300

Legal Deadline: None.

Abstract: The Department plans to revise and consolidate due process regulations governing notice and hearings.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Sarah Kemble, Attorney, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Avenue, SW, Room 4121, FOB-6, Washington, DC 20202, **202 732-2730**

RIN: 1801-AA02

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Miscellaneous Department of Education (EDMIS)

540. ● PROGRAM FRAUD CIVIL REMEDIES

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 34 CFR 33

Legal Deadline: None.

Abstract: These regulations would implement the Program Fraud Civil Remedies Act of 1986.

ED—EDMIS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	07/22/87	52 FR 27650
NPRM Comment Period End	08/21/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Sarah L. Kemble, Attorney, Department of Education, Miscellaneous Department of Education, Office of the General Counsel, 400 Md. Ave., SW, Rm. 4121, FOB-6, Washington, D.C. 20202, 202 732-2730

RIN: 1801-AA05

[FR Doc. 87-21913 Filed 10-23-87; 8:45 am]

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Federal Register

Monday
October 26, 1987

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1987 regulatory agenda.

SUMMARY: In furtherance of this Administration's commitment to make government more responsive to the citizens of the United States and to assist in fulfilling the President's mandate to lessen regulatory burdens, the Department of Energy (DOE) is publishing this agenda of regulatory activities that DOE has in progress, as well as proposed rulemakings that DOE foreseeably may issue in the next year. This agenda provides the Administration with an effective tool for monitoring and controlling the promulgation of regulations. It includes (1) all rules expected to be issued as proposed or final rules before October 1988, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rulemakings and rule reviews for which action has been completed since the April 1987 Regulatory Agenda. In addition, the agenda meets requirements under the Regulatory Flexibility Act for information on any rulemakings which are "likely to have a significant economic impact on a substantial number of small entities." The agenda may not include all routine regulations or those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: Robert E. Morey, Department of Energy, Room 6B-144, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Under Executive Order 12291, 46 FR 13193, February 19, 1981, each covered agency publishes, in April and October of each year, an agenda of all rulemakings in progress or expected to be commenced within the next year, and currently effective rules that are under agency review. The Executive Order authorizes the Office of Management and Budget (OMB) to set forth standards and procedures for the preparation of these agendas. The October 1987 Regulatory Agenda has been prepared in accordance with OMB Bulletin No. 87-16.

There are important reasons for preparing this agenda. It is vital in this Administration's efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. This Administration has made considerable progress in these efforts.

For example, the Department, excluding the Federal Energy Regulatory Commission (FERC), has in each of fiscal years 1986 and 1987 achieved its reduction target of five percent in the paperwork burden imposed by its information collections on the public. For fiscal year 1988, the Department is again committed to a five percent reduction in the remaining paperwork burden imposed by its information collections on the public. This commitment is responsive to the October 1990 goal for Federal agencies, as set forth in the Paperwork Reduction Reauthorization Act of 1986, Pub. L. 99-591. It responds to the request of the Presidential Task Force on Regulatory Relief that the Department review all paperwork burdens imposed on the public including those embedded in Departmental regulations and related statutes. The commitment again excludes the FERC, but includes the ongoing efforts of the Energy Information Administration to reduce the burden of its energy information collections on the public. As in the previous fiscal year, special attention will continue to be given to the paperwork burden of the Department's information collections imposed on its management and operating contractors, offsite contractors and grant recipients inasmuch as this remains the largest element of the Department's overall paperwork burden placed on the public.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602 et seq. The regulatory flexibility agenda must contain: (1) A brief description of the subject area and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities;" (2) the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable about each rule. The regulatory flexibility agenda required under 5 U.S.C. 602(a) is incorporated in today's notice.

Entries appended to this notice reflect the status of regulatory activities as of approximately August 15, 1987. Regulatory activities have been divided among categories according to their next stage: prerulemaking action, proposed rule, final rule, or completed action.

Regulations designated as "significant" are those which are also included in the Regulatory Program of the United States Government, prepared pursuant to Executive Order 12498, 50 FR 1036, January 8, 1985. Significant regulations also include those which, while not of Government-wide interest or importance, nevertheless are priorities of the Department.

Each item contains the following information: (1) DOE office or administration (that is, the DOE organizational unit responsible for the regulation); (2) RIN number (that is, the Regulation Identifier Number assigned by OMB/OIRA); (3) title; (4) significance; (5) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (6) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (7) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (8) legal authority (that is, a citation to the section of the United States Code (U.S.C.), Public Law (P.L.) or the Executive Order (E.O.) that authorizes the regulatory action); (9)

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abstract (that is, a description of the problem the regulation will address, the regulatory approach under consideration, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and at least the next stage of the rulemaking). In addition, each item regarding completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding agenda) states the date and citation, if appropriate.

A draft of this agenda has been transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirements of 5 U.S.C. 602(b).

DOE's next agenda will be published in April 1988.

Issued in Washington, DC on August 27, 1987.

Eric J. Fygi,

Acting General Counsel.

Conservation and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
541	Energy-Efficiency Standards for Refrigerators and Related Products, Small Gas Furnace and Television Sets	1904-AA28

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
542	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
543	State Energy Conservation Program (SECP) -- Use of Oil Overcharge Funds for Building Energy Conservation Materials and Equipment	1904-AA30
544	Regulations Implementing National Appliance Energy Conservation Act; Certification and Enforcement, Waiver of Federal Preemption and Small Manufacturer Exemptions	1904-AA32

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
545	Energy Conservation Performance Standards for New Buildings; Subpart A-Voluntary Performance Standards for New Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
546	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
547	Energy Efficiency Test Procedures for Central Air Conditioners	1904-AA23
548	Energy Conservation Performance Standards for New Buildings; Subpart C-Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27
549	Amendments to the Residential Conservation Service and the Commercial and Apartment Conservation Service	1904-AA31
550	Energy Conservation Program for Consumer Products; Test Procedures for Dishwashers	1904-AA33

Defense Programs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
551	Criteria and Procedures for Determining Eligibility for Designated Human Reliability Program Critical Positions	1992-AA11

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Defense Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
552	Restrictions on Aircraft Landing and Air Delivery at Department of Energy Nuclear Sites	1992-AA12

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
553	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07
554	Annotation of Land Records and Documentation of Property Owner Refusals to Participate in the Uranium Mill Tailings Remedial Action Program	1901-AA12
555	Model Federal Policy for Protection of Human Research Subjects	1901-AA13

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
556	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste; Amendments	1901-AA11

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
557	Permits for Access to Restricted Data in the Uranium Enrichment Program	1901-AA14

Economic Regulatory Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
558	Proposed Rule Establishing New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1903-AA07

Management and Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
559	Proposed Rule on DOE Contractor Drug Free Workplace Policy	1991-AA39

DOE

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
560	Financial Assistance Regulations; Cooperative Agreements	1991-AA03
561	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
562	Department of Energy Acquisition Regulation; Management and Operating Contractor Purchasing Systems	1991-AA25
563	Department of Energy Property Management Regulation; Official Use of Motor Vehicles	1991-AA28
564	Department of Energy Acquisition Regulation; Miscellaneous Changes on Acquisition of Personal Property	1991-AA32
565	Department of Energy Financial Assistance Rules; Restriction of Eligibility	1991-AA35
566	Debarment and Suspension (Non-Procurement)	1991-AA40
567	Department of Energy Financial Assistance Rules; Merit Review	1991-AA41
568	Contracting for Basic and Applied Research	1991-AA42

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
569	Department of Energy Acquisition Regulation; Miscellaneous Changes to Conform to Federal Acquisition Regulation Changes and Revised Internal Procedures	1991-AA33
570	Department of Energy Acquisition Regulation; Use of Contract Carriers by Cost Reimbursable Contractors	1991-AA37

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
571	Department of Energy Financial Assistance Rules; Property Provisions	1991-AA34

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
572	Amendments to Department of Energy Conduct of Employees	1990-AA00
573	Patent Waiver Regulation	1990-AA02
574	Foreign Gifts and Decorations	1990-AA04
575	Cooperation with the Inspector General	1990-AA06
576	Class Patent Waivers	1990-AA07

Office of General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
577	Clarification of the Term Byproduct Material	1990-AA05

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Conservation and Renewable Energy (CE)

541. ENERGY-EFFICIENCY STANDARDS FOR REFRIGERATORS AND RELATED PRODUCTS, SMALL GAS FURNACE AND TELEVISION SETS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Statutory. The NAECA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The Statute requires completion of a second reanalysis of all then-extant standards in a period from 7/1/94 to 12/31/2006. Also statutory deadlines for a proposal on standards for (cont)

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA) was enacted March 17, 1987. The NAECA extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances and generally requires the Department to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; and kitchen ranges and ovens. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standard levels for refrigerators, refrigerator-freezers, and freezers to determine whether those levels need to be (cont)

Timetable:

Action	Date	FR Cite
ANPRM	10/00/87	
ANPRM Comment Period End	12/00/87	
NPRM	04/02/88	
NPRM Comment Period End	06/00/88	
Final Action	01/00/89	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: amended; for small gas furnaces, will set an initial standard within the statutory range; and will determine whether any standard for television sets is warranted.

LEGAL DEADLINE CONT: refrigerators and related products (7/1/88) and establishment of the small gas furnace standards level (1/1/89), the earliest NAECA deadline.

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA28

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Conservation and Renewable Energy (CE)

542. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; PL 95-619, Sec 545; PL 99-509, Sec 3301; EO 11912; EO 12003; PL 99-509

CFR Citation: 10 CFR 436

Legal Deadline: None.

Abstract: Under the National Energy Conservation Policy Act, DOE has promulgated regulations establishing a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act required that the regulations provide for the use of marginal energy costs in the life cycle cost analyses. DOE sought legislative revisions to authorize use of average energy costs rather than marginal costs. Appropriate legislative relief came with the Omnibus Budget Reconciliation Act of 1986. The current rulemaking would incorporate a method for determining average energy costs into the life cycle costing analyses.

Timetable:

Action	Date	FR Cite
NPRM	10/23/87	
NPRM Comment Period End	11/27/87	

Small Entity: No

Agency Contact: K. Dean DeVine, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6784

RIN: 1904-AA06

543. STATE ENERGY CONSERVATION PROGRAM (SECP) -- USE OF OIL OVERCHARGE FUNDS FOR BUILDING ENERGY CONSERVATION MATERIALS AND EQUIPMENT

Legal Authority: 42 USC 6321 to 6327

CFR Citation: 10 CFR 420, (Revision)

Legal Deadline: None.

Abstract: This rulemaking would modify the prohibition in the State Energy Conservation Program (SECP) regulations on most purchases or installation of equipment and materials for energy conservation building retrofits and weatherization. The prohibition would be relaxed only with respect to whatever so-called eligible petroleum violation escrow (PVE) funds the State elects to spend through the SECP. These PVE funds redress injuries which States' citizens suffered from violations of former Federal petroleum price and allocation regulations. As with all State SECP activities, PVE-funded building retrofits and weatherization would have to be included in an approved program plan.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Sandra Monje, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, Energy

DOE—CE

Proposed Rule Stage

Management and Extension, Office of State and Local Assistance, Washington, DC 20585, 202 586-8295

RIN: 1904-AA30

544. ● REGULATIONS IMPLEMENTING NATIONAL APPLIANCE ENERGY CONSERVATION ACT; CERTIFICATION AND ENFORCEMENT, WAIVER OF FEDERAL PREEMPTION AND SMALL MANUFACTURER EXEMPTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 6291 to 6309

CFR Citation: 10 CFR 430.1; 10 CFR 430.2; 10 CFR 430.22; 10 CFR 430.40; 10 CFR 430.50; 10 CFR 430.60; 10 CFR 430.70

Legal Deadline: None.

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA) extensively amended the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; and kitchen ranges and ovens. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. Although the standards prescribed by the NAECA generally supersede all State and local standards for these products, the Act allows States to petition for and DOE to grant exemption from Federal preemption and allows small manufacturers to apply for temporary exemption from the standards. This rulemaking will establish procedures for these preemption and exemption provisions, and for certification (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: and enforcement aspects of the program.

Government Levels Affected: State

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, CE-132, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA32

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Final Rule Stage

545. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A-VOLUNTARY PERFORMANCE STANDARDS FOR NEW COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	
NPRM Comment Period End	08/04/87	
Interim Final Rule	05/05/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9445

RIN: 1904-AA08

546. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. In February 1984, DOE proposed to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A.O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984 NPRM, the Department prepared a new NPRM published March 13, 1987. This NPRM proposed a single test procedure to cover gas, oil and electric water heaters as well as heat pump water heaters, and extended the test procedures to cover instantaneous type water heaters. In addition to the A.O. Smith matter, the rulemaking would eliminate the need for the test procedure waivers granted Bock Corp., Ford Products and Lockinvar Corp. for their high mass oil-fired water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM Test Procedures for Water Heaters	03/13/87	49 FR 7972
Final Action	06/00/88	
Final Action Effective	07/00/88	

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA12

DOE—CE

Final Rule Stage

547. ENERGY EFFICIENCY TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for water-source heat pumps and multi-evaporator heat pumps; to eliminate the test procedure waivers granted to Borg-Warner Central Environmental Systems and United Technologies, Carrier Corporation for their variable speed heat pumps; and to incorporate, by reference, three industry standards, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 116-83, the Air-Conditioning and Refrigeration Institute (ARI) Standard 210/240-84 and Air-Conditioning and Refrigeration Institute Standard 325-85, into the test procedures.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	04/02/85	50 FR 13042
NPRM	10/07/86	51 FR 35736
Extension of Comment Period	11/07/86	51 FR 40442
NPRM Comment Period End	01/30/87	51 FR 40442
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Additional Information: A Notice of Inquiry was published in the Federal Register on April 2, 1985 to request comments on a rating procedure to determine the energy performance of a central air conditioner combination (condensing unit and indoor coil) without conducting the full laboratory procedure prescribed by the DOE test procedures. DOE proposed such a rating method in the proposed rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA23

548. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C-MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
Extension of Comment Period	11/18/86	51 FR 222
NPRM Comment Period End	01/16/87	51 FR 222
Interim Final Rule	04/01/88	

Small Entity: No

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-9445

RIN: 1904-AA27

549. AMENDMENTS TO THE RESIDENTIAL CONSERVATION SERVICE AND THE COMMERCIAL AND APARTMENT CONSERVATION SERVICE

Significance: Regulatory Program

Legal Authority: 42 USC 8211 et seq; 42 USC 8281 et seq; PL 99-412 Conservation Service Reform Act of 1986

CFR Citation: 10 CFR 456, (Revision); 10 CFR 458, (Deletion)

Legal Deadline: Statutory, August 28, 1986. Rules promulgated under section 212 of the National Energy Conservation Policy Act must be amended within the one hundred and eighty day period after the August 28, 1986, enactment of the Conservation Service Reform Act.

Abstract: The Conservation Service Reform Act of 1986 (Act) Requires changes to the Residential Conservation Service (RCS) and repeals the Commercial and Apartment Conservation Service (CACS) except for CACS plans approved before August 1, 1984. RCS and CACS required large electric and natural gas utilities to perform energy audits of their eligible customers upon request, and to provide other services. Required changes in the RCS program include deletion of some required services, program termination on June 30, 1989, provisions for alternative State plans, and for utilities to obtain waiver of plan requirements. Except for alternative State plans, these changes were made in a notice of interim final rulemaking because the rule reflects non-discretionary requirements which are explicitly set forth in the Act. Procedures for processing complaints about adequacy of implementation of alternative State plans, and for annual reports on any CACS State plan excepted from the general repeal of CACS involve discretion and were published in a notice of proposed rulemaking. Consistent with departmental policy, these procedures are designed to minimize the expense or other burdens of (CONT)

Timetable:

Action	Date	FR Cite
NPRM	03/04/87	52 FR 6710
Public Hearing	04/21/87	52 FR 6710
NPRM Comment Period End	05/04/87	
Interim Final Rule	09/09/87	52 FR 34138
Final Action	09/00/87	
Interim Final Rule	03/04/88	

Small Entity: No

Additional Information: ABSTRACT CONT: complying.

Agency Contact: Edna Jones, Energy Conservation Specialist, Department of Energy, Conservation and Renewable Energy, Residential and Commercial Conservation, Office of State and Local

DOE—CE

Final Rule Stage

Assistance, Washington, DC 20585, 202 586-8224

RIN: 1904-AA31

550. ● ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS; TEST PROCEDURES FOR DISHWASHERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.23

Legal Deadline: None.

Abstract: The ANDI-CO Appliances Inc., an agent for a foreign appliance manufacturer, received a temporary waiver to exclude a foreign appliance manufacturer's dishwasher from the prescribed DOE test procedures. The waiver was granted because DOE's test procedure requirements for measurement of energy consumption do not apply to dishwashers designed to operate with cold inlet water. Consistent with program rules, this rulemaking would examine changes to the dishwasher test procedures which would make this waiver no longer necessary.

Timetable:

Action	Date	FR Cite
Grant of Temporary Waiver	05/08/85	50 FR 21488
NPRM	04/15/87	52 FR 12342
NPRM Comment Period End	06/15/87	52 FR 12342
Final Action Effective	01/00/88	

Small Entity: Undetermined

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, CE-132, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA33

DEPARTMENT OF ENERGY (DOE)

Defense Programs (DP)

Prerule Stage

551. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR DESIGNATED HUMAN RELIABILITY PROGRAM CRITICAL POSITIONS

Significance: Agency Priority

Legal Authority: 42 USC 2014aa Atomic Energy Act of 1954, Sec. 11aa; 42 USC 2201 Atomic Energy Act of 1954, Sec. 161; 10 CFR 710

CFR Citation: 10 CFR 710

Legal Deadline: None.

Abstract: The Department of Energy, because of its mission involving nuclear weapons and special nuclear materials, requires a reliable and drug-free work-force. At present, thousands of people within the DOE-contractor work-force are in daily close proximity to nuclear weapons, weapons components, or special nuclear material without the benefit of a human reliability program (HRP). This action would establish a Q(R) access authorization for individuals applying for or currently holding a position identified as an HRP position. The security clearance determination would integrate management and medical screening information into the existing access authorization investigation and adjudication process.

Timetable:

Action	Date	FR Cite
Statement of Policy	09/00/87	
Reports Establishing Nexus	10/00/87	
NPRM	01/00/88	
NPRM Comment Period End	02/00/88	

Small Entity: No

Additional Information: Current policy changes to proposed HRP operating procedures may negate the need for a public rule. A decision on this will be forthcoming following a formal statement of policy.

Agency Contact: Martin Hershkowitz, Coordinator for Human Reliability Programs, Department of Energy, Defense Programs, Office of Safeguards & Security, DP-343, Washington, DC 20585, 301 353-5671

RIN: 1992-AA11

DEPARTMENT OF ENERGY (DOE)

Defense Programs (DP)

Final Rule Stage

552. RESTRICTIONS ON AIRCRAFT LANDING AND AIR DELIVERY AT DEPARTMENT OF ENERGY NUCLEAR SITES

Significance: Agency Priority

Legal Authority: 42 USC 2201; 42 USC 2278.a

CFR Citation: 10 CFR 862

Legal Deadline: None.

Abstract: Regulation would enhance security at DOE nuclear sites by restricting unofficial aircraft landing and unofficial air delivery of persons or cargo. Exceptions are granted for emergencies with prior notification to DOE if possible. Impact on public would be minimal since activities restricted by regulations are not condoned by DOE currently.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35518
NPRM Comment Period End	11/20/86	
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: John Hnatio, Security Specialist, Office of Safeguards and Security, Department of Energy,

DOE—DP **Final Rule Stage**

Defense Programs, Room E-335, Germantown, MD 20545, **301 353-2478**

RIN: 1992-AA12

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

553. PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None.

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre and post award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: Not Applicable

Agency Contact: **Robert Zich**, Director, Acquisition and Assistance, Management Division (ER-64), Department of Energy, Departmental and Others, (ER64) Office of Energy Research, Washington, DC 20545, **301 353-5544**

RIN: 1901-AA07

554. ANNOTATION OF LAND RECORDS AND DOCUMENTATION OF PROPERTY OWNER REFUSALS TO PARTICIPATE IN THE URANIUM MILL TAILINGS REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: Not yet determined

Legal Deadline: Statutory, March 31, 1990. DOE will propose to extend UMTRA authorization period to 9/30/94.

Abstract: PL 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place. The Department will begin rulemaking proceedings during FY 1988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: **James A. Turi**, Director, Uranium Mill Tailings Project Division, NE-22, Department of Energy, Departmental and Others, Office of Nuclear Energy, Washington, DC 20545, **301 353-2585**

RIN: 1901-AA12

555. MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745, (Revision)

Legal Deadline: None.

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of DHHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the DHHS policies.

Timetable:

Action	Date	FR Cite
Proposed Model Policy for Protection of Human Subjects	06/03/86	51 FR 106
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Susan L. Rose**, Health Scientist, Department of Energy, Departmental and Others, Office of Energy Research, Human Health and Assessments Division(ER-73), Washington, DC 20545, **301 353-4731**

RIN: 1901-AA13

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

556. STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE; AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 10222

CFR Citation: 10 CFR 961, (Revision)

Legal Deadline: None.

Abstract: On April 18, 1983, the Department of Energy (DOE) published a rule which established the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (standard disposal contract) to be used by the DOE in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high-level radioactive waste (48 FR 16590). On December 6, 1985, the U.S. Court of Appeals for the District of Columbia Circuit ruled that the ongoing 1.0 mill per kilowatt hour (1M/KWH) fee in DOE's standard disposal contract should be based on net generation of electricity rather than gross generation of electricity as adopted in the final rule (Wisconsin Electric Power Co. et al. v. Hodel, Nos. 83-1066 and 84-8571). This rule would amend the standard disposal contract to be consistent with

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the court's ruling. This amendment is expected to reduce revenues from the ongoing fee by about 5 to 5%.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40684
NPRM Comment Period End	12/08/86	51 FR 40684
Final Action	09/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Alan Brownstein, Utility Contracts Manager, Department of Energy, Departmental and Others, Forrestal Building, GB-270, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-4973

RIN: 1901-AA11

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

557. PERMITS FOR ACCESS TO RESTRICTED DATA IN THE URANIUM ENRICHMENT PROGRAM

Legal Authority: 42 USC 2201(v), Sec 161(v) Atomic Energy Act

CFR Citation: 10 CFR 725

Legal Deadline: None.

Abstract: There is a need to update existing regulations which permit private access to restricted data involving the gas centrifuge uranium enrichment process. This rulemaking would authorize access to certain restricted data by persons interested in acquiring centrifuge machines and related equipment and materials for commercial purposes not involving uranium enrichment. Such machines and equipment have been made surplus to DOE's needs as a result of DOE's cancellation of its Gas Centrifuge Enrichment Plant and advanced Gas Centrifuge Development Program in June 1985.

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15324
Hearing	05/21/87	
NPRM Comment Period End	06/02/87	
Final Notice	08/13/87	52 FR 30138

Small Entity: No

Agency Contact: Larry Leiken(GC-31), Attorney, Office of General Counsel, Department of Energy, Office of General Counsel, Office of Uranium Enrichment, NE-30, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-6975

RIN: 1901-AA14

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Proposed Rule Stage

558. PROPOSED RULE ESTABLISHING NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None.

Abstract: The proposed rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The purpose of the proposed rule is to reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
Public Hearing	06/02/87	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Constance L. Buckley Director, Natural Gas Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9482

RIN: 1903-AA07

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Prerule Stage

559. ● PROPOSED RULE ON DOE CONTRACTOR DRUG FREE WORKPLACE POLICY

Significance: Agency Priority

Legal Authority: 42 USC 2011 et seq (Atomic Energy Act)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Will establish comprehensive drug abuse prevention policy and program at DOE-owned or - leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address drug testing requirements, educational and training programs, drug counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities. Benefits will

DOE—MA

Prerule Stage

be in establishing reasonable level of consistency among contractor programs and resultant cost to the government and in reducing risk of unacceptable damage to security environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/87	
ANPRM Comment Period End	00/00/00	

Small Entity: Not Applicable

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9033

RIN: 1991-AA39

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Proposed Rule Stage

560. FINANCIAL ASSISTANCE REGULATIONS; COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600C

Legal Deadline: None.

Abstract: This revision would conform DOE rules on cooperative agreement award and administration with DOE and government-wide financial assistance policy (the latter contained in OMB circulars A-102 and A-110) and would reflect DOE experience under the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	
NPRM Comment Period End	11/00/87	
Final Action	02/00/88	
Final Action Effective	03/00/88	

Small Entity: No

Agency Contact: Cherlyn Seckinger, Business and Financial Policy Branch, Department of Energy, Management and Administration, MA-422, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991-AA03

561. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None.

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	04/00/88	
Final Action Effective	05/00/88	

Small Entity: No

Agency Contact: Ellen L. Feinsilber, Director, Procurement Policy Division, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8264

RIN: 1991-AA23

562. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MANAGEMENT AND OPERATING CONTRACTOR PURCHASING SYSTEMS

Legal Authority: 42 USC 2011 et seq; 42 USC 7154

CFR Citation: 48 CFR 970

Legal Deadline: None.

Abstract: This action would update and consolidate in one place all provisions applicable to the subcontracting practices of DOE management and operating contractors.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	
NPRM Comment Period End	10/01/87	
Final Action	11/30/87	
Final Action Effective	01/01/88	

Small Entity: No

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8247

RIN: 1991-AA25

563. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATION; OFFICIAL USE OF MOTOR VEHICLES

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None.

Abstract: To update the Property Management Regulations regarding official use of motor vehicles. The rule would also make various other minor upgrading changes.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	
NPRM Comment Period End	07/31/88	
Final Action	11/30/88	
Final Action Effective	12/31/88	

Small Entity: No

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence

Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991-AA28

564. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES ON ACQUISITION OF PERSONAL PROPERTY

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 907; 48 CFR 944; 48 CFR 945; 48 CFR 951; 48 CFR 952

Legal Deadline: None.

Abstract: To provide additional policy guidance on the acquisition of personal property in the areas concerning acquisition plans, Government supply sources, consideration for subcontracts, Government property, and updating solicitation provisions and contract clauses.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	
NPRM Comment Period End	07/31/88	
Final Action	11/30/88	
Final Action Effective	12/31/88	

Small Entity: No

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991-AA32

565. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; RESTRICTION OF ELIGIBILITY

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.6; 10 CFR 600.7; 10 CFR 600.14; 10 CFR 600.106

Legal Deadline: None.

Abstract: This regulatory revision of DOE Financial Assistance Rules (FAR) would establish more detailed documentation procedures and clarify the restricted eligibility requirements governing financial assistance awards on a non-competitive basis.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: James J. Cavanagh, Chief, Business & Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8173

RIN: 1991-AA35

566. ● DEBARMENT AND SUSPENSION (NON-PROCUREMENT)

Legal Authority: EO 12549

CFR Citation: 10 CFR 1035

Legal Deadline: None. OMB requests draft agency regulations be submitted by September 29, 1987.

Abstract: This regulation will implement EO 12549 and OMB Guidelines for nonprocurement debarment and suspension.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	03/00/88	
Final Action Effective	04/00/88	

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas E. Brown, Procurement Analyst, Department of Energy, Management and Administration, 202 586-9075

RIN: 1991-AA40

567. ● DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; MERIT REVIEW

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.3; 10 CFR 600.9; 10 CFR 600.16; 10 CFR 600.103; 10 CFR 600.106

Legal Deadline: None.

Abstract: This regulatory revision to the DOE Financial Assistance Rules would establish procedures for the merit review of applications for financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8174

RIN: 1991-AA41

568. ● CONTRACTING FOR BASIC AND APPLIED RESEARCH

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 935

Legal Deadline: None.

Abstract: The purpose of this action is to amend the Acquisition Regulations (DEAR) to implement policies and procedures concerning the use of broad agency announcements, a form of competitive solicitation, as allowed by FAR 35.016.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	
Final Action	03/00/88	
Final Action Effective	04/00/88	

Small Entity: No

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Management and Administration, MA 421, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8246

RIN: 1991-AA42

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Final Rule Stage

569. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES TO CONFORM TO FEDERAL ACQUISITION REGULATION CHANGES AND REVISED INTERNAL PROCEDURES

Legal Authority: 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 902; 48 CFR 904; 48 CFR 913; 48 CFR 915; 48 CFR 917; 48 CFR 919; 48 CFR 925; 48 CFR 952; 48 CFR 970

Legal Deadline: None.

Abstract: This action is for the purpose of updating the Acquisition Regulation as a result of changes in the Federal Acquisition Regulation and internal procedures. It discontinues the use of DOE Small Purchase Forms as GSA has issued forms for that purpose. It increases the threshold for formal source evaluation boards from $5 to $10 million. It adds a new solicitation provision entitled "Buy America Act - Construction Materials." It also provides new guidance on Small Business Subcontract Plans Under Management Contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34656
NPRM Comment Period End	11/27/86	50 FR 43589
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Richard C. Loeb, Procurement Analyst, Office of Policy, (MA-42), Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8190

RIN: 1991-AA33

570. DEPARTMENT OF ENERGY ACQUISITION REGULATION; USE OF CONTRACT CARRIERS BY COST REIMBURSABLE CONTRACTORS

Legal Authority: PL 95-91

CFR Citation: 48 CFR 952

Legal Deadline: None.

Abstract: Amend Procurement Regulations (DEAR) in order to implement GSA Bulletin FPMR A-90 and FPMR Temporary Regulation 30. Use of Government contractor airlines, hotels/motels and car rental agencies by cost reimbursable contractor employees.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46884
NPRM Comment Period End	01/28/87	51 FR 46884
Final Action	09/30/87	
End Review	09/30/87	

Small Entity: No

Additional Information: DOE is awaiting action by the DAR Council and the CAA Council which published a similar proposed rule on 3/24/87. Publication of their final rule for the FAR will override the need for a final rule to be published for the DEAR. Decision expected by 9/30/87.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: William Stevenson, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8193

RIN: 1991-AA37

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

571. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; PROPERTY PROVISIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.117

Legal Deadline: None.

Abstract: This revision would update and clarify the property provisions of the rule. The principal change would be to raise the dollar threshold for recipient recordkeeping and property accountability under the Department of Energy Financial Assistance Rules (FAR).

Timetable:

Action	Date	FR Cite
Withdrawn	09/01/87	

Small Entity: No

Additional Information: Related to 1991-AA21.

Changes to government-wide regulations (OMB Circular A-102 and A-110) will update property provisions and raise dollar thresholds. DOE will implement the Government-wide revisions.

Agency Contact: Cherlyn Seckinger, Procurement Analyst, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991-AA34

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

572. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None.

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	

Small Entity: No

Additional Information: As part of the revision of the Department of Energy Conduct of Employees Regulations, we propose to amend Appendix I of the Regulations. We expect final action on this amendment of the Regulations to be completed by October 1, 1987.

Agency Contact: Susan Fonner, Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-1522**

RIN: 1990-AA00

573. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Legal Deadline: None.

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: Undetermined

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-2802**

RIN: 1990-AA02

574. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None.

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Susan Fonner, Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-1522**

RIN: 1990-AA04

575. COOPERATION WITH THE INSPECTOR GENERAL

Legal Authority: 42 USC 7138; 42 USC 7211 to 7218; 42 USC 7254; 42 USC 6392; 42 USC 5816a; 5 USC 301; 5 USC 303(a); 5 USC (app.4) 207(a); 18 USC 201 to 209; EO 11222, as amended by EO 12565

CFR Citation: 10 CFR 1010.217, (new)

Legal Deadline: None.

Abstract: This regulation will codify existing Department of Energy policy and clarify the authority provided by existing statutes and Federal case law with respect to the obligations of Department employees to cooperate with the Office of Inspector General in official investigations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: No

Agency Contact: Susan Fonner, Deputy AGC for General Law, Office of General Counsel, GC-43, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-1522**

RIN: 1990-AA06

576. CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None.

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: No

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-2802**

RIN: 1990-AA07

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Completed Actions

577. CLARIFICATION OF THE TERM BYPRODUCT MATERIAL

Legal Authority: 42 USC 2011 et seq (Atomic Energy Act of 1954)

CFR Citation: 10 CFR 962, (new)

Legal Deadline: None.

Abstract: This regulation will clarify the application of the term Byproduct Material, as defined in section 11(e) (1) of the Atomic Energy Act (42 USC 2014(e) (1)) to Department of Energy owned or produced radioactive waste substances, for the purpose of determining which of these waste substances are Byproduct Material under the Atomic Energy Act, and are therefore not "solid waste" as that term is defined in the Resource Conservation and Recovery Act (42 USC 6901 et seq).

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45736
NPRM Comment Period End	01/02/86	
NPRM	03/15/87	
Final Action	05/01/87	52 FR 15937
Final Action Effective	06/01/87	
NPRM Public Comment Period End	06/15/87	

Small Entity: No

Agency Contact: Henry K. Garson, Assistant General Counsel for Environment, Department of Energy, Office of General Counsel, GC-11, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6947

RIN: 1990-AA05

[FR Doc. 87-21235 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 27, 1987.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Glenn Kamber, Deputy Executive Secretary, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone: (202) 245-7699.

James J. Delaney,

Executive Secretary to the Department.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
578	Privacy Act Regulation	0991-AA11

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
579	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
580	Enforcement of Nondiscrimination on the Basis of Handicap in the Department of Health and Human Services	0991-AA17
581	Administration of Grants - Implementation of OMB Circular A-102	0991-AA27
582	Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0991-AA34
583	PPS FRAUD AND ABUSE SANCTION AND PRO REVISIONS	0991-AA39
584	Civil Money Penalties for Failure to Report Medical Malpractice Payments and for Breaching the Confidentiality of Information	0991-AA40
585	Program Fraud Civil Remedies	0991-AA41
586	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0991-AA42
587	Governmentwide Debarment and Suspension (Nonprocurement)	0991-AA43
588	Civil Money Penalties for Health Maintenance Organizations and Competitive Medical Plans	0991-AA44
589	Prohibition on Use of Physician Incentive Plans	0991-AA45
590	Civil Money Penalties and Exclusions for Physicians and Other Part B Providers Resulting from OBRA of 1986	0991-AA46
591	Patient and Program Protection Regulations	0991-AA47

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
592	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
593	Public Information Regulation	0991-AA07
594	Revision to OIG's Sanction Authorities	0991-AA21
595	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
596	Block Grant Programs	0991-AA25
597	Administration of Grants-Implementation of OMB Circular A-88	0991-AA29
598	Administration of Grants-Single Audit Act of 1984	0991-AA30
599	Withholding of Medicaid Payments for Fraud or Willful Misrepresentation	0991-AA36
600	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery	0991-AA37

HHS

Office of the Secretary—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
601	Block Grant Programs	0991-AA38

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
602	Reimbursement of Indirect Costs Under Project Grants	0991-AA33

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
603	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
604	Foster Care, Adoption Assistance, and Child Welfare Services	0980-AA08
605	Runaway and Homeless Youth Program	0980-AA11
606	Head Start Criteria for Selection of New Grantees	0980-AA17
607	Head Start Staff and Program Options Requirements	0980-AA18
608	Head Start Appeals Process	0980-AA20
609	Head Start Performance Standards for Services to Handicapped Children	0980-AA21
610	Nonrecurring Costs of Adoption	0980-AA24
611	Head Start Recruitment Selection and Enrollment of Children	0980-AA27

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
612	Head Start Personnel Policies	0980-AA10
613	Developmental Disabilities Program	0980-AA12
614	Consolidation of Grants to the Insular Areas -- Final Rule with Comment Period	0980-AA22

Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
615	Head Start Program-Prerulemaking Action	0980-AA15

HHS

Social Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
616	Disclosure of Personal Information to Law Enforcement Agencies and Courts (Prerulemaking Activity)	0960-AB66
617	Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Appointing ALJ's to Hear and Decide Cases	0960-AB97
618	Supplemental Security Income Program; Treatment of Proceeds from Home Equity Conversion (HEC) Plans as Income	0960-AC00

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
619	Old-Age, Survivors, and Disability Insurance, Supplemental Security Income, and Black Lung Programs; Representatives of Claimants	0960-AA64
620	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
621	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
622	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
623	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
624	Supplemental Security Income Program; What Is Not Income	0960-AB09
625	Supplemental Security Income Program; How We Count Unearned Income--Funds Used to Pay Indebtedness	0960-AB29
626	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
627	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
628	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
629	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA)	0960-AB73
630	OASDI & SSI Programs; Definition of Overpayment and Liability for Repayment of an Overpayment	0960-AB78
631	Supplemental Security Income Program; Treatment of Property Held in Trust or Other Similar Legal Devices When the Property is Available for a Beneficiary's Support and Maintenance	0960-AB79
632	Organization and Procedures; Availability of Information and Records to the Public--Social Security Rulings--Acquiescence Series	0960-AB85
633	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgement Funds and Per Capita Distributions	0960-AB86
634	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlement to Other Benefits	0960-AB87
635	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Use of Work Evaluations to Evaluate Individuals with Mental Impairments	0960-AB92
636	Old-Age, Survivors, and Disability Insurance Program; Determining Disability and Blindness, Medical-Vocational Guidelines, Illiteracy and Inability to Communicate in English	0960-AB94
637	Supplemental Security Income Program; Spousal Deeming Computation Involving State Supplementation	0960-AB95
638	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
639	Old-Age, Survivors, and Disability Insurance Program; Medical Evaluation Criteria for Acquired Immune Deficiency Syndrome (AIDS)	0960-AC06
640	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
641	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Chronic Renal Disease	0960-AC10
642	Supplemental Security Income Program; Define Out of Resources for One Month Certain Cash Payments for Medical/Social Services	0960-AC11
643	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Appeals Council Review and Reopening Authority	0960-AC15
644	Old-Age Survivors and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
645	Supplemental Security Income Program; Employment Opportunities for the Disabled	0960-AC22
646	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
647	Old-Age, Survivors, and Disability Insurance Program; Wages-- Deferred Compensation	0960-AC27
648	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28

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Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
649	Old-Age, Survivors, and Disability Insurance Program; and Organization and Functions; Records of Earnings	0960-AC30
650	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Consideration of Vocational Factors	0960-AC31
651	Organization and Procedures, and Old-Age, Survivors, and Disability Insurance Programs; Social Security Number Cards for Aliens	0960-AC34
652	Old-Age, Survivors, and Disability Insurance Program; Addition of Down Syndrome to the Listing of Impairments	0960-AC35

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
653	Supplemental Security Income Program; Mandatory Pass Through Under State Supplementation Provisions	0960-AA05
654	Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments	0960-AA13
655	Supplemental Security Income Program; Reductions, Suspensions and Terminations	0960-AA22
656	Old-Age, Survivors, and Disability Insurance Program; Provision for Inferring a Person Is Dead	0960-AA54
657	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
658	Old-Age, Survivors, and Disability Insurance; Effect of Pension from Noncovered Employment	0960-AA65
659	Supplemental Security Income Program; Resource Limits for Conditional SSI Payments	0960-AA75
660	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments-AIDS	0960-AA79
661	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Newly Hired Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
662	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Existing Medical Evidence	0960-AB22
663	Supplemental Security Income Programs; Assignment of Rights to Third-Party Medical Payments to State	0960-AB28
664	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits During Appeal	0960-AB30
665	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB31
666	Supplemental Security Income Program; Treatment of Overpayments When Recipient's Countable Assets Exceed Limits in Certain Cases	0960-AB32
667	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Determinations of Disability-Compliance, and Other Changes	0960-AB36
668	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
669	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
670	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AC05
671	Supplemental Security Income Program; Prohibition on Direct Payment of Fees to Representatives	0960-AC08
672	Supplemental Security Income Program: Federal Administration of Optional State Supplementation	0960-AC13
673	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Application of Dependency Test to Adopted Great-Grandchildren; Demonstration Projects	0960-AC23
674	Organization and Procedures, and OASDI Programs; Evidence Required for Original or Duplicate Social Security Number Card	0960-AC32
675	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Against Equity and Good Conscience: Defined	0960-AC33

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
676	Supplemental Security Income Program; Age 18 and Alien Deeming	0960-AA26
677	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Future Effect of Applications and Related Changes in Appeals Council Procedures	0960-AA28
678	Old-Age Survivors, and Disability Insurance Program; Wage Coverage Under Social Security	0960-AA55

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Social Security Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
679	Old-Age, Survivors, and Disability Insurance Program; US Residence Requirements for Non-Resident Aliens and Deductions for Work Outside the U.S.	0960-AA76
680	Black Lung Program; Establishing Dependency of Surviving Divorced Wife and Computation of Basic Rate	0960-AB05
681	Supplemental Security Income Program; Permanent Residence Under Color-of-Law	0960-AB24
682	Old-Age, Survivors, and Disability Insurance Program Reopening and Revising Determinations and Decisions Where There is Clear Error or New and Material Evidence	0960-AB34
683	Old Age, Survivors, and Disability Insurance Programs; Period of Disability--When You May Not Be Entitled to Benefits	0960-AB82
684	Old-Age, Survivors, and Disability Insurance Programs; Determining First Month of Entitlement Based on One-Half Support	0960-AB83
685	Old Age, Survivors, and Disability Insurance, Supplemental Security Income & Black Lung Programs--Own Motion Review of Fee Determination	0960-AB89
686	Old Age, Survivors, And Disability Insurance; Black Lung; Supplemental Security Income Programs; Effectuating Component Recommendation That The Appeals Council Review An ALJ Decision	0960-AB90
687	Supplemental Security Income Program; Liquid and Nonliquid Resources and Resources Determinations	0960-AC02
688	Supplemental Security Income Program; Pension Funds for Deeming Purposes and Grandfathering Provisions	0960-AC03
689	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Evaluation Guides for Determining Substantial Gainful Activity	0960-AC21
690	Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Entities as Representatives of SS Claimants; Fee Paid by Third Party	0960-AC25
691	Supplemental Security Income Program; Treatment of Payments on a Resource with a Current Market Value of Zero - Installment Payments	0960-AC36

Public Health Service—Office of Assistant Secretary for Health (OASH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
692	Statutory prohibition on use of appropriated funds in programs where abortion is a method of family planning	0905-AC64

Public Health Service—Office of Assistant Secretary for Health (OASH)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
693	Grants for Adolescent Pregnancy and Family Life Projects	0905-AA24

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
694	Confidentiality of Alcohol and Drug Abuse Patient Records	0905-AA26
695	Obligated Service for Mental Health Traineeships	0905-AB48

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
696	Project Grants for Health Programs for Refugees	0905-AB43
697	Improve Standards for Respirator Devices	0905-AB58

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Public Health Service—Centers for Disease Control (CDC)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
698	Distribution of Reference Biological Standards and Biological Preparations	0905-AB49
699	Specifications for Medical Examinations of Underground Coal Miners	0905-AB51
700	Medical Examination of Aliens	0905-AB96

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
701	Drug Exports	0905-AC44

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
702	Over-the-Counter (OTC) Drug Review	0905-AA06
703	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
704	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
705	New Animal Drug Approval Process	0905-AA96
706	Policies Concerning Uses of Sulfiting Agents	0905-AB52
707	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
708	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
709	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
710	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
711	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AB72
712	Infant Formula Recalls/Infant Formula Current Good Manufacturing Practices; Quality Control Procedures	0905-AC46
713	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages	0905-AC48
714	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52
715	Menstrual Tampons; Proposed User Labeling	0905-AC58
716	Grants for Long Term Faculty Training Emphasizing Geriatrics	0905-AC59

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
717	Good Laboratory Practice for Nonclinical Laboratory Studies	0905-AA84
718	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians	0905-AB01
719	Animal Drug Safety Policy	0905-AB04
720	Proposed User Charge; New Drug Applications, Abbreviated New Drug Applications, New Device Applications, and Antibiotic Applications Review	0905-AB56
721	Provisionally Listed Color Additives	0905-AB60
722	Antibody Test for HTLV-III; General Biological Products Stds.; Additional Standards for Human Blood and Blood Products; Serological Test for Human T-Lymphotropic Virus, Type III	0905-AB62
723	Patent Term Restoration of Regulated Products (Title II of "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB65
724	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol	0905-AB68
725	Methylene Chloride	0905-AC00

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Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
726	IND Regulations Revision	0905-AB09
727	Requirements Affecting Raw Milk for Human Consumption in Interstate Commerce	0905-AC60
728	Investigational New Drug, Antibiotic, and Biological Drug Product Regulations; Treatment Use and Sale	0905-AC62

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
729	Grants for Residency Training and Faculty Development in General Internal Medicine and/or General Pediatrics	0905-AB50
730	General Review and Revision of Public Law 93-638 Program and Contracting Regulations	0905-AB98
731	Changes in Public Law 93-638. Regulations to Revise the Declination Appeals Process and Clarify its Scope	0905-AB99
732	Health Education Assistance Loan (HEAL) Program: Implementation of Pub. L. 99-129	0905-AC28
733	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs	0905-AC30
734	Grants for Health Professions Projects in Geriatrics	0905-AC33
735	Post-Baccalaureate Faculty Fellowship Program	0905-AC34
736	Grants for Community Health Services Criteria and Procedure for Determining Medically Underserved Populations (MUA)	0905-AC35
737	Health Manpower Shortage Area Designation Criteria	0905-AC50
738	Implementation of Health Care Quality Improvement Act of 1986 (Title IV, Public Law 99-660)	0905-AC51

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
739	Indian Health Service, 42 CFR Part 36 Subpart I, Contracts Under the Indian Self-Determination Act: Amendments	0905-AB31
740	Grants for Nurse Anesthetist Traineeships	0905-AB33
741	Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)	0905-AB35
742	Health Professions Student Loan (HPSL) Program: Deferment Revisions	0905-AC06
743	Health Education Assistance Loan (HEAL) Program: Deferment Revisions	0905-AC07
744	Nursing Special Project Grants	0905-AC18
745	Area Health Education Centers (AHEC)	0905-AC22
746	Nursing Student Loan (NSL) Program: Implementation of the Law (Pub. L. 99-92)	0905-AC31
747	Health Professions Student Loan (HPSL) Program: Implementation of the Law (Pub. L. 99-129)	0905-AC32

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
748	Program Grants for Migrant Health Services	0905-AA62
749	Indian Eligibility	0905-AB89
750	Grants for Community Health Centers	0905-AC01
751	Nursing Student Loan (NSL) Program: Provisions of the Law (Pub. L. 99-92)	0905-AC10
752	Grants for Nurse Practitioner and Nurse Midwifery Programs	0905-AC11
753	Grants for Graduate Programs in Health Administration	0905-AC12
754	Health Professions Student Loan (HPSL) Program: Provisions of the Law (Pub.L. 99-129)	0905-AC13
755	Programs for the Training of Physician Assistants	0905-AC15
756	Advanced Nurse Education Programs	0905-AC16
757	Financial Assistance for Disadvantaged Health Professions Students	0905-AC19
758	Grants for Residency Training and Advanced Education in the General Practice of Dentistry	0905-AC20
759	Nursing Student Loan (NSL) Program: Define Exceptional Financial Need	0905-AC29

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Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
760	Misconduct in Science	0905-AB91
761	Changes in NIH Program Regulations due to P.L. 99-158, P.L. 99-149, and Title X of P.L. 99-660	0905-AC02
762	National Institutes of Health Center Grants 42 CFR Part 52a	0905-AC27

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
763	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66

Health Care Financing Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
764	Discontinuation of Prevailing Charge Differentials for Specialists	0938-AD26

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
765	Amending Cost Reports and Reopening Intermediary Payment Determinations and Administrative Review Decisions	0938-AA33
766	Survey and Certification Procedures	0938-AA38
767	Medicaid Eligibility	0938-AA58
768	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
769	Miscellaneous Medicare and Medicaid Amendments	0938-AB05
770	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
771	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
772	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
773	Physician Certification and Plan of Care Requirements and Inspection of Care Reviews	0938-AB55
774	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
775	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment and Entitlement	0938-AB60
776	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
777	Medicare/Medicaid Revaluation of Assets	0938-AB64
778	Review of Current Rules Affecting Clinical Laboratories	0938-AB96
779	Medicare Secondary Payor and Medicare Recovery Against Third Parties	0938-AC05
780	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
781	Changes in Payment Policy for Direct Graduate Medical Education Costs	0938-AC27
782	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
783	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
784	Proposed Additions to and Deletions From Current List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC45
785	Use of the HCFA Hospital Wage Index for Determining Payment to Hospices	0938-AC49
786	Hospice/Case Management	0938-AC52
787	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
788	Reimbursement for Physician's Outpatient Maintenance Dialysis Services	0938-AC57
789	Participation in CHAMPUS and CHAMPVA Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care	0938-AC58
790	Payment for Kidneys Sent to Foreign Countries or Transplanted in Non-Medicare Beneficiaries	0938-AC59
791	Reasonable Charge Payment Limits for Enteral Products and Supplies	0938-AC67
792	Revisions to Medicare Appeals Rights	0938-AC81

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Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
793	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82
794	Refunding of Federal Share of Overpayments Made to Medicaid Providers	0938-AC83
795	Denial of Payment for Substandard Quality Care, Review of Beneficiary Complaints	0938-AC84
796	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
797	Recognition of College of American Pathologists Laboratory Accreditation Program	0938-AC89
798	PRO Preprocedure Review of Certain Surgical Procedures	0938-AC90
799	Part B Premium for 12-Month Period Beginning 01/01/88	0938-AC92
800	Inpatient Hospital Deductible and Coinsurance Amounts and Part A Premium for the Uninsured Aged for 1988	0938-AC94
801	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System	0938-AC97
802	Changes Concerning Determination of Allowable Interest Expense and Suspension of Payments	0938-AC99
803	Changes Concerning the Definition of Accrual Basis of Accounting	0938-AD01
804	Optional Payment System for Low Medicare Volume Skilled Nursing Facilities	0938-AD02
805	Criteria and Procedures for Medical Services Coverage Decisions	0938-AD07
806	Medicare Coverage of Immunosuppressive Drugs	0938-AD09
807	Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Services of Independent Laboratories and Suppliers of ESRD Services	0938-AD11
808	Conditions of Participation for Long Term Care Facilities	0938-AD12
809	Recognition of Joint Commission for Accreditation of Hospitals' Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies	0938-AD13
810	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
811	Eligibility of Aliens Granted Amnesty Under the Immigration Reform and Control Act	0938-AD15
812	Medicaid: Eligibility Groups Extended Coverage of Services, and Conditions of Eligibility: COBRA and TEFRA	0938-AD16
813	Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services	0938-AD17
814	Transfer of Assets	0938-AD18
815	Organ Procurement Organizations and Organ Procurement Protocols	0938-AD20
816	Payment for Services of Certified Registered Nurse Anesthetists	0938-AD25
817	Discontinuation of Bad Debt Payment for Hospitals Subject to the Prospective Payment System	0938-AD27
818	Withdrawal of Coverage of Single Photon Absorptiometry	0938-AD28
819	Home Health Agencies Aide Training and Discharge Planning, and Conforming Changes to the Hospice Program	0938-AD29
820	Modification of Certain Requirements for Health Insuring Organizations	0938-AD31
821	Occupational Therapy Physician Assistants	0938-AD32
822	Prohibition on Unbundling of Hospital Outpatient Services	0938-AD33
823	Physician Liability on Non-Assigned Claims	0938-AD34
824	Alien Eligibility, Immigration Status Verification and Waiver Procedures For AFDC State Administered Adult Assistance and Medicaid Programs	0938-AD35
825	Changes to Peer Review Organization Regulations	0938-AD38
826	Long Term Care Survey	0938-AD41
827	Administrative Sanctions for Circumventing the Prospective Payment System and PRO Disclosure to Licensing and Certification Bodies	0938-AD42
828	Revision of the Medicare Economic Index	0938-AD43
829	Update of Ambulatory Surgical Center Payment Rates for July 1, 1988	0938-AD44

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
830	Payments to Institutions	0938-AB00
831	Relations with Other Agencies, Miscellaneous Medicaid Definitions and Third Party Liability Quality Control	0938-AB21
832	Changes to the Lesser of Costs or Charges Provisions	0938-AB29
833	FFP for Services of Long Term Care Facilities	0938-AB42
834	Revisions in Reporting and Recordkeeping Requirements	0938-AB46
835	Indirect Part B Payment Procedure	0938-AB59
836	Treatment of Social Security Cost of Living Increases for Individuals Who Lose SSI Eligibility	0938-AB62
837	OMB Review of Information Collection and Recordkeeping Requirements for Home Health Agencies, Independent Laboratories, and Providers of Outpatient, Physical Therapy and/or (cont)	0938-AB68
838	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
839	Conditions for Intermediate Care Facilities for the Mentally Retarded	0938-AB76
840	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
841	Medicaid Program; Coverage of Qualified Pregnant Women and Children and Newborn Children	0938-AC02
842	Reasonable Charge Limitations	0938-AC08

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Health Care Financing Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
843	Assignment and Reassignment of Provider-Based Home Health Agencies and Hospices to Designated Regional Intermediaries	0938-AC20
844	Fire Safety Standards for Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities and Ambulatory Surgical Centers	0938-AC28
845	Employers Contribution to Health Maintenance Organizations Option	0938-AC48
846	Correction and Reduction Plans for Intermediate Care Facilities for the Mentally Retarded	0938-AC51
847	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Cost Reporting Periods Beginning on or after October 1, 1987	0938-AC54
848	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
849	Alternate Sanctions for ESRD Facilities	0938-AC68
850	Entities Performing Quality of Care Review of Services Provided by Risk-Basis Health Maintenance Organizations and Competitive Medical Plans	0938-AC85
851	End Stage Renal Disease Program: Responsibilities of Network Organizations	0938-AC86
852	End Stage Renal Disease Program: Revised Network Area Designations	0938-AC87
853	Medicare Economic Index for Reasonable Charges (Effective 01/01/88)	0938-AC91
854	Periodic Interim Payments for Hospitals	0938-AC96
855	Payment for Facility Services Related to Ambulatory Surgical Procedures Performed in Hospitals on an Outpatient Basis	0938-AD00
856	Standards for the Reuse of Dialysis Filters and Other Dialysis Supplies	0938-AD10
857	Supplementary Medical Insurance Premiums	0938-AD19
858	Source of State Share of Financial Participation	0938-AD36
859	Targeting Information for Income and Eligibility Verification	0938-AD37
860	Medicare, Medicaid, and Clinical Laboratories Improvement Act (CLIA) Patient Confidentiality Rules	0938-AD40

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
861	Home Health Agencies: Financial Security Requirements	0938-AA13
862	Benefit Period Determinations, Drug Regimen Reviews and Other Technical Changes	0938-AB03
863	Revisions to Medicaid Payment for Hospital and Long Term Care Facility Services	0938-AB40
864	Changes to the Return on Equity Capital Provisions and the Exception from Cost Limits for Newly Established Home Health Agencies	0938-AB70
865	Payment Adjustments for Sole Community Hospitals	0938-AB72
866	Limits on Payments for Drugs	0938-AB97
867	Lowest Charge Levels	0938-AC16
868	List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC21
869	Review of Information Collection and Recordkeeping Requirements for Suppliers of End-Stage Renal Disease Services	0938-AC26
870	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1988 Rates	0938-AC39
871	Enrollment Provisions Concerning Health Maintenance Organizations and Competitive Medical Plans	0938-AC44
872	Application Fees for Health Maintenance Organizations (HMOs)	0938-AC46
873	Schedule of Limits on HHA Costs Per Visit for Cost Reporting Periods Beginning on or after 7/1/86, but before 7/1/87, and Cost Reporting Periods beginning on or after 7/1/87	0938-AC56
874	Medicare Notice of General Statement of Policy - Procedures for Determining Whether Providers, Practitioners or Other Suppliers of Services are Liable for Certain Noncovered Services	0938-AC61
875	Appeals from Determinations that Affect Participation in Medicare	0938-AC65
876	Part A Premium for Uninsured Aged for 12-Month Period Beginning 01/01/88	0938-AC93
877	Changes to the Return on Equity Capital Provisions for Outpatient Hospital Services	0938-AC98
878	Changes to the DRG Classification System	0938-AD03
879	Update of Ambulatory Surgical Center Payment Rates	0938-AD04
880	Payments for Large Rural Hospitals That Serve a Disproportionate Share of Low-Income Patients	0938-AD05
881	Capital Payments Under the Inpatient Hospital Prospective Payment System	0938-AD06

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Family Support Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
882	Scope of Payments	0970-AA00
883	Refugee Cash and Medical Assistance	0970-AA01
884	Child Support Enforcement Program; Quarterly Reporting Requirements	0970-AA02
885	Retroactive Modification of Child Support Arrearages	0970-AA03
886	Aid to Families with Dependent Children; Treatment of Utility Payments By Applicant or Recipients Living in Certain Federally Assistance Housing	0970-AA05
887	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
888	Regulations to Enhance Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs	0970-AA08
889	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0970-AA09
890	Improved Case Processing Standards and Timeframes	0970-AA16
891	Child Support Enforcement Audit Regulations	0970-AA17
892	Distribution of Child Support Collections	0970-AA18
893	Case Closure	0970-AA24
894	State Legalization Impact Assistance Grants	0970-AA40
895	AFDC; General Admin. of Public Assistance Programs; FFP in the cost of a Statewide Mechanized Claims Processing and Information Retrieval System in the AFDC Program; NPRM	0970-AA42
896	Essential Persons	0970-AA44

Family Support Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
897	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0970-AA04
898	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
899	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Social Services	0970-AA10
900	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program -- Quality Control System	0970-AA11
901	Medical Support Enforcement #2	0970-AA13
902	Disregard of Child Support Payments; Regulations Implementing the Deficit Reduction Act of 1984	0970-AA15
903	Provision of Services in Interstate IV-D Cases	0970-AA23
904	Alien Verification Procedures for AFDC; State Administered Adult Assistance and Medicaid Programs; Notice of Proposed Rulemaking	0970-AA41

Family Support Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
905	Prohibition of Federal Funding of Costs of Incarceration and Counsel for Indigent Absent Parents	0970-AA14
906	Interstate Child Support Enforcement	0970-AA45

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Office of the Secretary (OS)

578. PRIVACY ACT REGULATION

Legal Authority: 5 USC 552a

CFR Citation: 45 CFR 5b

Legal Deadline: None.

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by

HHS—OS

Prerule Stage

providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
ANPRM	01/15/88	

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201 202 472-7453

RIN: 0991-AA11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of the Secretary (OS)

579. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 501

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None.

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: In FY 1987 OMB will revise Circulars A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234).

Agency Contact: Henry G. Kirschenmann, Jr., Deputy Assistant Secretary, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, 202 245-8870

RIN: 0991-AA12

580. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 85.1-62

Legal Deadline: None.

Abstract: Implements the amendment made to Sec. 504 of the Rehabilitation Act of 1973 by Pub.L. 95-602 in 1978, which extended Sec. 504 to the Federal sector. The proposed Part 85 is modeled on Part 84 which implements Sec. 504 with respect to recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Frank E.G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue SW, Room 5411, Washington, DC 20201, 202 245-6700

RIN: 0991-AA17

581. ADMINISTRATION OF GRANTS - IMPLEMENTATION OF OMB CIRCULAR A-102

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular No. A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current HHS regulation codified at 45 CFR Part 74 was written by HHS to implement both Circular No. A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. Revised Circular A-102 will require us to adopt essentially verbatim a common regulation drafted by OMB and affecting governmental grantees only.

Timetable:

Action	Date	FR Cite
Notice of Proposed Revision of Circular A-102 published by OMB	06/18/84	49 FR 24958
Final Action	03/11/87	
NPRM	06/09/87	52 FR 21820
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513-D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA27

582. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None.

Abstract: This NPRM will propose new regulations of 45 CFR 95.600, et seq., to reduce the amount of time necessary to review and respond to State and local agency requests for FFP. The reduction in process time will be accomplished by streamlining the review process and requiring fewer points of prior approval by the Department.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/30/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Ron Lentz, Division of State Data Systems, Department of Health and Human Services, Office of the Secretary, Room 542F HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7354

RIN: 0991-AA34

583. PPS FRAUD AND ABUSE SANCTION AND PRO REVISIONS

Legal Authority: 42 USC 1395cc; 42 USC 1395ww

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 412; 42 CFR 476; 42 CFR 498; 42 CFR 1001; 42 CFR 1004

Legal Deadline: None.

Abstract: This rule would set forth the Secretary's authority to levy administrative sanctions against hospital providers who engage in fraudulent and abusive practices intended to circumvent the Medicare PPS. The purpose of this rule is to clarify and strengthen OIG's existing authority to protect Medicare from abuse by terminating any hospital who fails to correct abusive practices under PPS when directed to do so by the appropriate PRO. These regulations also revise and clarify HCFA's authority with respect to corrective action procedures and procedures for program payments denial against those hospital providers who circumvent PPS. Additional, this rule would propose improvements to the process of public notification of an OIG decision to exclude a physician from Medicare.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Undetermined

Agency Contact: Bill Libercci, Deputy Director, GCAS Staff, Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-5035

RIN: 0991-AA39

584. CIVIL MONEY PENALTIES FOR FAILURE TO REPORT MEDICAL MALPRACTICE PAYMENTS AND FOR BREACHING THE CONFIDENTIALITY OF INFORMATION

Legal Authority: PL 99-660, Sec 421(c) and 427(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None.

Abstract: This proposed rule would establish civil money penalties against any individual or entity that fails to report information on medical malpractice payments in accordance with the Health Care Quality Improvement Act of 1986, and against any individual who breaches the confidentiality of information reported to the data bank established to collect and disseminate required information in accordance with that Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	
Final Action	04/00/88	

Small Entity: No

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, 301timore, MD 21207, 301 594-3957

RIN: 0991-AA40

585. PROGRAM FRAUD CIVIL REMEDIES

Significance: Agency Priority

Legal Authority: PL 99-501, Sec 6103

CFR Citation: 45 CFR 79

Legal Deadline: Statutory, April 21, 1987. While final rule was due on this date, a note of proposed rulemaking was promulgated prior to the issuance of final regulations.

Abstract: This rule establishes a $5,000 civil money penalty and an assessment of double damages against any person who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	07/21/87	52 FR 27423
NPRM	09/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Agency Contact: D. McCarty Thornton, Supervisory Trial Attorney, Office of the General Counsel/IG Division, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW, Washington, DC 20201, 202 245-6306

RIN: 0991-AA41

586. TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 9101 Reconciliation Act of 1986

CFR Citation: 42 CFR 453.952; 45 CFR 205.56

Legal Deadline: None.

Abstract: Meet Congressional intent to allow State flexibility of targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulation which required 100% verification. States will be allowed to apply tolerances in selecting the most productive data to verify and act upon.

Timetable:

Action	Date	FR Cite
Final Action	02/28/87	
Final Action Effective	02/28/87	
NPRM	09/30/87	
NPRM Comment Period End	11/30/87	

Small Entity: No

Additional Information: These regulations are being issued in conjunction with regulations being issued by the Department of Agriculture to provide consistency of implementation with the Federally assisted benefit program at that department.

Government Levels Affected: State, Federal

Agency Contact: Sheldon Shalit, Director, Division of Payment Integrity, Department of Health and Human Services, Office of the Secretary, OSSSR, ASMB, 530G HHH, 200 Independence Ave., SW, Washington, DC 20201, **202 245-0384**

RIN: 0991-AA42

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587. ● GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 76

Legal Deadline: None.

Abstract: THIS ACTION WILL IMPLEMENT EXECUTIVE ORDER 12549 AND OMB GUIDELINES FOR NONPROCUREMENT DEBARMENT AND SUSPENSION, WHICH ESTABLISH A GOVERNMENTWIDE SYSTEM PRIMARILY COVERING ASSISTANCE PROGRAMS.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: JOEL FEINGLASS, DIRECTOR, DIVISION OF ASSISTANCE & COST, POLICY, Department of Health and Human Services, Office of the Secretary, ROOM 513-D HHH 200 INDEPENDENCE AVENUE, SW, WASHINGTON, D.C. 20201, **202 245-7565**

RIN: 0991-AA43

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588. ● CIVIL MONEY PENALTIES FOR HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9434

CFR Citation: 42 CFR 1003

Legal Deadline: None.

Abstract: This proposed rule provides that any risk-sharing organization that fails substantially to provide required medically necessary items and services to program beneficiaries under such contracts is subject to a civil money penalty for each failure.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
NPRM Comment Period End	06/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-3957**

RIN: 0991-AA44

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589. ● PROHIBITION ON USE OF PHYSICIAN INCENTIVE PLANS

Legal Authority: PL 99-501, Sec 9313

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None.

Abstract: This proposed rule would prohibit a hospital or a risk-sharing HMO or competitive medical plan from knowingly making incentive payments to a physician as an inducement to that physician to reduce or limit services provided to program beneficiaries who are under the direct care of that physician.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
NPRM Comment Period End	06/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: James Patton, Director, health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-3957**

RIN: 0991-AA45

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590. ● CIVIL MONEY PENALTIES AND EXCLUSIONS FOR PHYSICIANS AND OTHER PART B PROVIDERS RESULTING FROM OBRA OF 1986

Legal Authority: PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9332; PL 99-501, Sec 9334; PL 99-501, Sec 9338

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None.

Abstract: This proposed rule provides for civil money penalties against those who bill Medicare beneficiaries on a non-assigned basis for services of a certified nurse anesthetist or a physician assistant, and for the application of program sanctions against non-participating physicians who bill for actual charges above permitted charges. Physicians failing to make timely refunds on non-assigned services deemed unnecessary would also be subject to civil money penalties and exclusions from Medicare.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
NPRM Comment Period End	06/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 594-3957**

RIN: 0991-AA46

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591. ● PATIENT AND PROGRAM PROTECTION REGULATIONS

Significance: Agency Priority

Legal Authority: PL 100-93

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: Statutory, September 1989. Statutory deadline applies only to "kick-back" provision.

Abstract: These regulations are designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions relating to Titles 5, 11, 18, 19, and 20.

HHS—OS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 594-3957

RIN: 0991-AA47

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Final Rule Stage

592. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

CFR Citation: 45 CFR 92

Legal Deadline: None.

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment Period End	03/24/86	51 FR 2806
Final Action	01/15/88	

Small Entity: No

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, Policy and Special Staff, OCR, Room 5032, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 245-6671

RIN: 0991-AA02

593. PUBLIC INFORMATION REGULATION

Legal Authority: 5 USC 552

CFR Citation: 45 CFR 5

Legal Deadline: None.

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
NPRM	04/08/86	51 FR 13250
NPRM Comment Period End	06/17/87	51 FR 13250
Final Action	12/31/87	

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA07

594. REVISION TO OIG'S SANCTION AUTHORITIES

Significance: Agency Priority

Legal Authority: PL 98-369, Sec 2333; PL 99-501, Sec 9317

CFR Citation: 42 CFR 1001; 42 CFR 1002

Legal Deadline: None.

Abstract: This regulation incorporates Section 2333 of P.L. 98-369 which provides authority to exclude entities that employ practitioners convicted of Medicare or Medicaid related offenses who are serving in key management positions, or where individuals convicted of a program-related crime have a five percent or more ownership interest. In addition, this rule provides technical improvements in the civil money penalty and exclusion provisions resulting from P.L. 99-501.

Timetable:

Action	Date	FR Cite
NPRM	07/09/86	51 FR 24857
NPRM Comment Period End	08/25/86	
Final Action	01/00/88	

Small Entity: Yes

Additional Information: Revisions and classifications regarding a number of legal issues in the existing OIG sanction regulations that were initially addressed in the notice of proposed rulemaking will not be addressed in this final rule. These regulatory provisions will now be revised as a result of passage of the Medicare and Medicaid Patient and Program Protection Act of 1987, and will be addressed in separate rulemaking activities.

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-3957

RIN: 0991-AA21

595. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 2405

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None.

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-267, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in

employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entitles receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	
NPRM	12/21/79	44 FR 75676
Final Action	11/00/87	

Small Entity: No

Public Compliance Cost: Yearly Recurring Cost: $6,000

Government Levels Affected: Local, State

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5411, Washington, DC 20201, 202 245-6700

RIN: 0991-AA22

596. BLOCK GRANT PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 9901; 42 USC 300w; 42 USC 8621; 42 USC 300x

CFR Citation: 45 CFR 96

Legal Deadline: None.

Abstract: In a prior session of Congress, four of the Department's block grants were reauthorized and certain requirements imposed on the States and other recipients were changed. The block grants include those for Alcohol and Drug Abuse and Mental Health Services; Preventive Health and Health Services; Low-Income Energy Assistance and Community Services. In addition, Congress enacted the Single Audit Act of 1984 which substantially changes the Federal audit requirements imposed upon State and local governments and modifies Federal agency responsibility for oversight of those audits. These legislative changes necessitate changes in the Department's block grant regulation issued July 6, 1982. Alternative measures for addressing the problem are not being considered. None of the proposed legislative changes will involve substantial cost.

Timetable:

Action	Date	FR Cite
NPRM	07/03/86	45 FR 96
NPRM Comment Period End	09/02/86	
Final Action	09/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Deputy Director, Program Systems, Department of Health and Human Services, Office of the Secretary, Room 447-D, Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-7316

RIN: 0991-AA25

597. ADMINISTRATION OF GRANTS-IMPLEMENTATION OF OMB CIRCULAR A-88

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular A-88 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: It is expected that OMB will publish a draft of its Circular in the Federal Register and obtain public comments. The specific form and nature of our action is expected to be mandated by OMB.

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA29

598. ADMINISTRATION OF GRANTS-SINGLE AUDIT ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505; PL 98-502, Sec 7505 Single Audit Act of 1984

CFR Citation: 45 CFR 74.62(a), (Revised); 45 CFR 74, Appendix I; 45 CFR 74, Appendix J

Legal Deadline: None.

Abstract: This action implements the Single Audit Act of 1984 and OMB Circular A-128 by requiring recipients that are governments to comply with Circular A-129. That Circular provides governmentwide standards for implementing the Act. The Act, Circular and these amendments replace Attachment P to Circular A-102. Attachment P contained the previous Federal policy on non-Federal audits of governmental recipients of Federal grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/06/85	50 FR 31715
Final Action	03/11/88	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA30

599. WITHHOLDING OF MEDICAID PAYMENTS FOR FRAUD OR WILLFUL MISREPRESENTATION

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 455

Legal Deadline: None.

Abstract: This rule specifically encourages State Medicaid agencies to withhold program payments to providers without first granting administrative review where the State agency has reliable evidence of fraudulent activity by the provider.

HHS—OS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/10/86	51 FR 44490
NPRM Comment Period End	02/09/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-3957

RIN: 0991-AA36

600. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Significance: Agency Priority

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None.

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	04/00/88	

Small Entity: No

Agency Contact: James Patton, Director, health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-3957

RIN: 0991-AA37

601. BLOCK GRANT PROGRAMS

Significance: Agency Priority

Legal Authority: PL 99-425

CFR Citation: 45 CFR 96

Legal Deadline: Statutory, November 29, 1986.

Abstract: The regulation provides procedures by which the Secretary may exempt states from the statutory time limits that they must meet in responding to requests for crisis assistance under the low income house energy assistance program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/86	45 FR 96
Final Action	10/15/87	
Final Action Effective	10/15/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Intergovernmental Policy, Department of Health and Human Services, Office of the Secretary, 447D, Humphrey Building, 200 Independence Ave., SW, Washington, DC 20201, 202 245-7316

RIN: 0991-AA38

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Completed Actions

602. REIMBURSEMENT OF INDIRECT COSTS UNDER PROJECT GRANTS

Significance: Agency Priority

CFR Citation: 45 CFR 74.105(a)(1)

Completed:

Reason	Date	FR Cite
Final Action	06/12/87	52 FR 22530
Final Action Effective	10/01/87	52 FR 22530

Small Entity: No

Agency Contact: Joel B. Feinglass 202 245-7565

RIN: 0991-AA33

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Departmental Management (HHSDM)

Final Rule Stage

603. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None.

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human

HHS—HHSDM

Final Rule Stage

Services, Departmental Management, Room 5362, HHS North Building, 330 Independence Avenue, SW, Washington, DC 20201, **202 475-0150**

RIN: 0990-AA02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Proposed Rule Stage

604. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES

Legal Authority: 42 USC 670 et seq; Federal Payment for Foster Care and Adoption Assistance; 42 USC 620 et seq Child Welfare Services; 42 USC 1302 Rules and Regulations

CFR Citation: 45 CFR 1356; 45 CFR 1357

Legal Deadline: None.

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Betty Stewart, Associate Commissioner, Children's Bureau, ACYF, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20201, **202 755-7600**

RIN: 0980-AA08

605. RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701 Note The Runaway and Homeless Youth Act, as amended

CFR Citation: 45 CFR 1351

Legal Deadline: None.

Abstract: These rules will make technical changes to modify 45 CFR 1351 to conform to changes in legislation that: (1) provide for making grants to any eligible entity and no longer restrict grants to nonprofit entities; and (2) refer to "family" or "families" in place of "parent," "parents," and/or "legal guardian(s)."

Timetable:

Action	Date	FR Cite
NPRM	03/31/88	

Small Entity: No

Agency Contact: Paget W. Hinch, Associate Commissioner, ACYF/HDS, Department of Health and Human Services, Office of Human Development Services, Family and Youth Services Bureau, ACYF/HDS, PO Box 1182, Washington, DC 20013, **202 472-4426**

RIN: 0980-AA11

606. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEES

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 42 CFR 1302

Legal Deadline: None.

Abstract: The NPRM will propose additional new criteria that, if adopted, will be used in the selection of new Head Start grantees.

Timetable:

Action	Date	FR Cite
NPRM	03/31/88	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch, Head Start Bureau ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, **202 755-0590**

RIN: 0980-AA17

607. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None.

Abstract: The NPRM will propose changes in existing regulations related to program design including class size, hours of operation, and program options such as center-based and home-based Head Start services. The NPRM will also propose, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	03/31/88	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, **202 755-0590**

RIN: 0980-AA18

608. HEAD START APPEALS PROCESS

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1303

Legal Deadline: None.

Abstract: The NPRM will propose revisions to current procedures for appeals from Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch, Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, **202 755-0590**

RIN: 0980-AA20

HHS—HDSO

Proposed Rule Stage

609. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN

Legal Authority: 42 USC 9839

CFR Citation: 45 CFR 1308

Legal Deadline: None.

Abstract: The NPRM will propose to establish a new part 1308 setting forth proposed performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	03/31/88	

Small Entity: No

Agency Contact: Jane DeWeerd, Child Development Specialist, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, PO Box 1182, Washington, DC 20013, 202 755-7944

RIN: 0980-AA21

610. ● NONRECURRING COSTS OF ADOPTION

Legal Authority: 42 USC 673

CFR Citation: 45 CFR 1356

Legal Deadline: None.

Abstract: This rule will implement new statutory requirements for States to establish a program to reimburse parent(s) who adopt a child with special needs for their nonrecurring costs of adoption.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Agency Contact: Beverly Stubbee, Department of Health and Human Services, Office of Human Development Services, Children's Bureau, P.O. Box 1182, Washington, D.C. 20201, 202 755-7447

RIN: 0980-AA24

611. ● HEAD START RECRUITMENT SELECTION AND ENROLLMENT OF CHILDREN

Legal Authority: 45 USC 9831 et seq

CFR Citation: 45 CFR 1305

Legal Deadline: None.

Abstract: In this NPRM, the Head Start Bureau will propose amendments to existing regulations governing recruitment, selection, and enrollment of children.

Timetable:

Action	Date	FR Cite
NPRM	03/30/88	

Small Entity: No

Agency Contact: Doug Klafehn, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Box 1182, Washington, D.C. 20013, 202 755-0590

RIN: 0980-AA27

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Final Rule Stage

612. HEAD START PERSONNEL POLICIES

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1301

Legal Deadline: None.

Abstract: This rule would amend existing regulations governing the recruitment and selection of Head Start staff. The rule would emphasize the importance of careful screening of employees in Head Start programs by requiring that Head Start programs have formal personnel policies and procedures in place that will provide safeguards against the possibility of abuse and neglect, including sexual abuse, occurring in the Head Start program.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13253
NPRM Comment Period End	06/03/85	50 FR 13253
Final Action	12/31/87	

Small Entity: No

Agency Contact: Doug Klafehn, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Administration for, Children, Youth and Families, PO Box 1182, Washington, DC 20013, 202 755-0590

RIN: 0980-AA10

613. DEVELOPMENTAL DISABILITIES PROGRAM

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: Statutory, April 19, 1985.

Abstract: This rule will amend the regulations that implement the Developmental Disabilities Assistance and Bill of Rights Act of 1984 (Pub. L. 98-527). The regulations include changes in reporting and paperwork requirements and the addition of new program criteria for the University Affiliated Facilities program.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25904
NPRM Comment Period End	09/15/86	51 FR 25904
Final Action	12/00/87	

Small Entity: No

Agency Contact: James Colarusso, Department of Health and Human Services, Office of Human Development Services, Administration on Developmental, Disabilities, OHDS/HHS, Rm 351-D HHH Bldg, 200 Independence Ave SW, Wash., DC 20201, 202 245-2890

RIN: 0980-AA12

614. CONSOLIDATION OF GRANTS TO THE INSULAR AREAS – FINAL RULE WITH COMMENT PERIOD

Legal Authority: 48 USC 1469a

CFR Citation: 45 CFR 97

Legal Deadline: None.

Abstract: A final rule to amend the list of Department of Health and Human Services formula and block grant

HHS—HDSO

Final Rule Stage

programs which may be consolidated by the insular areas was published March 25, 1987 with a 60 day comment period. The rule deletes the Primary Care Block Grant as it has been repealed by Congress. It adds four new HDS formula grant programs recently enacted: (1) Dependent Care Planning and Development State Grants; (2) the Family Violence Prevention and Services Act; (3) the Children's Justice Act; and (4) the Child Development Associate Scholarship Assistance Act. A final Notice will be published after review of public comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/25/87	52 FR 9494
Final Action	10/30/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Howard A. Foard, Jr., Office of the Deputy Under Secretary, Department of Health and Human Services, Office of Human Development Services, Hubert H. Humphrey Bldg., Room 632-F, 200 Independence Avenue, SW, Washington, DC 20201, **202 245-0036**

RIN: 0980-AA22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Human Development Services (HDSO)

Completed Actions

615. HEAD START PROGRAM-PRERULEMAKING ACTION

Significance: Regulatory Program

CFR Citation: 45 CFR 1301; 45 CFR 1302; 45 CFR 1303; 45 CFR 1304; 45 CFR 1305

Completed:

Reason	Date	FR Cite
End Review New rules identified are listed in the Agenda.	06/30/87	

Small Entity: No

Agency Contact: Mr. Clennie H. Murphy, Jr. 202 755-7782

RIN: 0980-AA15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Prerule Stage

616. DISCLOSURE OF PERSONAL INFORMATION TO LAW ENFORCEMENT AGENCIES AND COURTS (PRERULEMAKING ACTIVITY)

Significance: Regulatory Program

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 1306; 26 USC 6103

CFR Citation: 20 CFR 401.315

Legal Deadline: None.

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only when a violent crime has been committed and the subject of the information has been either indicted or convicted of that crime, or when relevant to the investigation or prosecution of criminal activity involving a social security program or other governmental health or income maintenance program. These rules severely restrict permissible disclosures. In view of the public interest in law enforcement SSA is considering a change in policy that will expand the circumstances in which information can be disclosed.Neither the current rule nor the change being considered allows disclosure of tax return information covered by 26 U.S.C. 6103.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB66

617. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPOINTING ALJ'S TO HEAR AND DECIDE CASES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 30 USC 923; 30 USC 936; 42 USC 401; 42 USC 421

CFR Citation: 20 CFR 404.929; 20 CFR 416.1429; 20 CFR 410.630; 20 CFR 410.634

Legal Deadline: None.

Abstract: The current regulations on assigning ALJ's to hear and decide cases do not discuss (1) the assignment of ALJ's in rotation to hear and decide cases; or (2) the exceptions to assigning ALJ's in rotation. In addition, the current regulations provide that once an ALJ has been assigned to conduct a hearing, the case may be reassigned to another ALJ "if circumstances warrant." The regulations do not discuss the circumstances which would warrant (1) assigning another ALJ to conduct the hearing; or (2) assigning another ALJ to decide a case after the original ALJ has conducted the hearing. The regulatory changes would clarify these matters by explaining the rotation system of assignment and the exceptions to assigning ALJ's to cases in rotation, and by explaining the circumstances which warrant reassignment of a case to a different ALJ from the one to whom the case was initially assigned.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AB97

HHS—SSA

Prerule Stage

618. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROCEEDS FROM HOME EQUITY CONVERSION (HEC) PLANS AS INCOME

Legal Authority: 42 USC 1302; 42 USC 1382a; 42 USC 1383

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1120; 20 CFR 416.1121

Legal Deadline: None.

Abstract: Under current policy, payments received by a person as a result of a Home Equity Conversion (HEC) (e.g., reverse mortgage, sale lease back, etc.) are not considered income. The change in regulations would result in these payments being considered income. This change is being made in the realization that HEC's generate cash available for food, clothing, or shelter and meet the definition of income in 20 CFR 416.1102. Program costs and savings are considered insignificant

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AC00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

619. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, SUPPLEMENTAL SECURITY INCOME, AND BLACK LUNG PROGRAMS; REPRESENTATIVES OF CLAIMANTS

Significance: Regulatory Program

Legal Authority: 42 USC 406(a); 42 USC 1383(d)(2); 42 USC 405; 42 USC 1302; 30 USC 921; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957

CFR Citation: 20 CFR 404R; 20 CFR 410F; 20 CFR 416O

Legal Deadline: None.

Abstract: The proposed regulation would revise the method for setting fees for representation. The current procedure has been criticized as too subjective and as resulting in excessively high fees. The proposed regulations would also discuss entities as representatives and payment of fees by a third party, and would revise existing regulations regarding the suspension, discipline, and disqualification of representatives. The regulations will result in a negligible administrative savings to SSA.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	01/00/89	

Small Entity: No

Agency Contact: Ellan Hylton, Department of Health and Human Services, Social Security Administration, Office of Hearings and Appeals, P.O. Box 3200, Arlington, Virginia 22203, **202 235-2963**

RIN: 0960-AA64

620. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 602; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404, Subpart U; 20 CFR 416, Subpart F

Legal Deadline: None.

Abstract: These proposed rules would revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive and monthly title II benefits received by a representative payee who lives in the Aid to Families with Dependent Children (AFDC) Assistance Home, on behalf of a child who is a member of the AFDC Unit are income available to the AFDC Unit and may be used for other members of the Unit. If the representative payee does not live in the AFDC Home title II benefits are considered income for AFDC purposes and may be used for the unit only to the extent that the payee provides these funds to the AFDC household for the beneficiary's maintenance. Potential costs and benefits are not available at this time. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA90

621. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 4.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1599) describes cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity. We are reviewing this section of the Listing of Impairments and are anticipating the need for revising the criteria to bring them more up to date with current medical technologies and practice in this area of medicine which is advancing rapidly. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AA99

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622. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 3.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity. We are proposing comprehensive revision to that section to require consideration of the nature and clinical manifestations of respiratory disorders, as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB00

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623. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 1.00 of Appendix 1 to the Disability Regulations 404.1501 through 404.1599 describes those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB01

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624. SUPPLEMENTAL SECURITY INCOME PROGRAM; WHAT IS NOT INCOME

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(g); 20 CFR 416.1103(a) to (b)

Legal Deadline: None.

Abstract: Federally funded needs based payments are counted dollar for dollar as income for SSI purposes regardless of the manner in which they are paid (e.g., directly to a vendor). Bills paid by "someone else" (e.g., a relative or friend) are not income if not paid with money due the recipient. Regulations need clarification that "someone else" does not mean another federally funded needs-based program. Also, cash provided by a governmental medical or social services agency is not income if it is either repayment for, or designated for the future payment of, a program-approved service.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB09

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625. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME--FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None.

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The proposed regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Not Applicable

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-3409**

RIN: 0960-AB29

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626. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a (New); 20 CFR 404.902

Legal Deadline: None.

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AB38

627. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416, Subpart E

Legal Deadline: None.

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. They will apply the 10 percent requirement only to recipients in current payment status. The 10 percent limit will not apply in situations involving conditional disposition of resources agreements, misuse of burial funds, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud, willful misrepresentation, or concealment. They will, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after (continued)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: factual evaluation. Such cases will also be considered initial determinations for which the recipient has appeal rights. Estimated costs are FY 1986--$2 million, FY 1987- -$2 million, FY 1988--$2 million, FY 1989--$2 million.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB40

628. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Legal Deadline: None.

Abstract: These proposed regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AB41

629. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA)

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None.

Abstract: Section 10, Uniform Standards, of Public Law 98-460 requires the Secretary to establish in regulations uniform standards for the determination of disability at all levels of adjudication under titles II and XVI of the Social Security Act and issue such regulations under the rulemaking provisions of the Administrative Procedure Act. These proposed changes will comply with section 10 by incorporating into regulations of the Social Security Administration a number of policies relating to the evaluation of a person's work activity that are now in Social Security Rulings published in 1983 and 1984. Although the rulings are available to the public we believe that section 10 requires that the policy reflected in these rulings be incorporated into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
Final Action	05/00/89	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB73

630. OASDI & SSI PROGRAMS; DEFINITION OF OVERPAYMENT AND LIABILITY FOR REPAYMENT OF AN OVERPAYMENT

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a (New)

Legal Deadline: None.

Abstract: These proposed rules implement section 12113 of Pub. L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) enacted April 7, 1986. That legislation establishes liability for recovery of a Social Security benefit overpayment in certain cases when the beneficiary is deceased. Also, we propose to amend the definition of Social Security benefit overpayment and underpayment to provide for direct deposit of benefits and for garnished amounts that are paid under section 459(a) of the Social Security Act. We specify who is liable for an overpayment under other conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: **Duane Heaton**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AB78

631. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROPERTY HELD IN TRUST OR OTHER SIMILAR LEGAL DEVICES WHEN THE PROPERTY IS AVAILABLE FOR A BENEFICIARY'S SUPPORT AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None.

Abstract: This proposed regulation provides that assets held in any revocable or irrevocable trust or any other similar legal device including but not limited to gifts made in accordance with the Uniform Gifts to Minors Act, if available for the beneficiary's support and maintenance, will be a countable resource. It would include as a resource trust assets that could be but are not disbursed to the beneficiary either at the discretion of the trustees or at the direction of the trustor because such disbursement would adversely affect the beneficiary's eligibility for Supplemental Security Income benefits.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Henry D. Lerner**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AB79

632. ORGANIZATION AND PROCEDURES; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC--SOCIAL SECURITY RULINGS--ACQUIESCENCE SERIES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422

Legal Deadline: None.

Abstract: The proposed regulations describe a new type of Social Security Ruling which is available to the public and which is issued when the decision of a Federal circuit court of Appeals differs from Social Security Administration policy. The Ruling states how the decision is applied to claims of persons living in the particular circuit. These regulations will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
Prior Notice of Proposed Rulemaking	01/23/87	52 FR 02557
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Phil Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB85

633. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGEMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: 25 USC 1407; 25 USC 1172; 25 USC 1176; 43 USC 1601ff

CFR Citation: 20 CFR 416, Subpart K, Appendix; 20 CFR 416.1236; 20 CFR 1234

Legal Deadline: None.

Abstract: Proposed changes will update the regulations to reflect the provisions of Pub.L. 97-458 and Pub.L 98-64, concerning exclusions from income and resources provided for Native Americans and clarify SSI treatment of funds and land distributed to Alaskan natives under Pub.L. 92-203, as amended. The regulatory change will result in Federal program savings of less than $1 million annually and administrative costs that would not be significant.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Irv Darrow**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB86

634. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REDUCTION BECAUSE OF ENTITLEMENT TO OTHER BENEFITS

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 1302; 42 USC 402

CFR Citation: 20 CFR 404.407, (Revision); 20 CFR 404.612

Legal Deadline: None.

Abstract: Section 202(k)(4) of the Social Security Act discusses simultaneous entitlement to retirement and disability insurance benefits (RIB/DIB) and provides that SSA will pay the higher

benefit unless the claimant elects to be paid the lower. Section 223(a)(1) explains that an application for DIB may be filed by someone other than the number holder (NH) within 3 months after the month of the NH's death. Strict interpretation had been made of section 202(k)(4) so that no one other than the NH (or proper applicant on behalf of a living NH) could make the election described in section 202(k)(4). In section 404.612(d) of the CFR, the explanation of section 223(a)(1) is given. We have recently published new operating policy which explains that the same person who files an application pursuant to CFR section 404.612(d) may make the election described in CFR 404.407(c). We are proposing to change CFR 404.407(c) to clarify that the person described in section 404.612(d) may make the election discussed in section 202(k)(4).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: We foresee minimal costs from this change since the number of potentially affected beneficiaries is small and the period of time during which they will receive the higher family maximum amount (based on the RIB) will only be for the months during which the deceased NH is simultaneously entitled to DIB. Also, this cost will be offset by administrative savings since overpayments will not be created and have to be recovered in situations where individuals are able to elect the lower family maximum (based on DIB) on behalf of the deceased NH.

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB87

635. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; USE OF WORK EVALUATIONS TO EVALUATE INDIVIDUALS WITH MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.1548; 20 CFR 416.948

Legal Deadline: None.

Abstract: The regulations that we are proposing provide the guidelines for the disability determination services concerning referral of individuals with mental impairments for a work evaluation. Work evaluations are useful in certain disability cases (both title II and title XVI) when it is necessary to evaluate the individual's ability to carry out the mental requirements of past work or other work available in the economy.

Timetable:

Action	Date	FR Cite
Notice	03/11/85	50 FR 9770

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB92

636. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; DETERMINING DISABILITY AND BLINDNESS, MEDICAL-VOCATIONAL GUIDELINES, ILLITERACY AND INABILITY TO COMMUNICATE IN ENGLISH

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 404P, Appendix 2; 20 CFR 416

Legal Deadline: None.

Abstract: The proposed changes will clarify the meaning of the terms "illiteracy" and "inability to communicate in English" as they are used in the disability determination regulations. The Supplemental Security Income program incorporates by reference and uses the same medical-vocational criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB94

637. SUPPLEMENTAL SECURITY INCOME PROGRAM; SPOUSAL DEEMING COMPUTATION INVOLVING STATE SUPPLEMENTATION

Legal Authority: Bouchard v. Secretary, USDC (Mass) Civil No. 78-0632-F; 42 USC 1382e; Livermore v. Heckler, 743 F.2d 1396 (9th Cir. 1984)

CFR Citation: 20 CFR 416.1163(d); 20 CFR 416.2025(b)

Legal Deadline: None.

Abstract: This proposed rule would use the Livermore decision as the basis for a nationwide policy providing that for purposes of calculating State supplementary payments an optional State supplementary rate for a couple would be used instead of the rate for an individual in spousal deeming cases.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30169
NPRM Comment Period End	10/13/87	
Final Action	07/00/88	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB95

638. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404P, Appendix 1, Part B

Legal Deadline: None.

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe the medical criteria that apply

only to the evaluation of mental impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. Additional program costs of $3 million are expected in the first year and $8 million in the second year. There will be negligible administrative savings.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	
Final Action	07/00/89	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB96

639. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL EVALUATION CRITERIA FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P, Appendix 1

Legal Deadline: None.

Abstract: Section 10.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes multiple body system impairments which are severe enough to prevent a person from doing any gainful activity. We are proposing to add the criteria for evaluation of AIDS to this section. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AC06

640. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 401; 42 USC 421

CFR Citation: 20 CFR 404.953; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.986; 20 CFR 416.1455; 20 CFR 416.1486, (New)

Legal Deadline: None.

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ returns the case to the Appeals Council with a recommended decision, and the Appeals Council must review that decision and take further action in every case before the decision becomes final. This can involve delay. The proposed regulation would permit the ALJ to make a decision which would become final unless, within 30 days after the decision is received, the claimant files exceptions or within that period requests an extension of time to file exceptions, or within 60 days after the date of the decision the Appeals Council decides to review the decision on its own. The change will permit prompter final decisions and some administrative savings. It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AC07

641. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CHRONIC RENAL DISEASE

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1383(a)(4)(B)

CFR Citation: 20 CFR 416.934

Legal Deadline: None.

Abstract: We may pay benefits to a person applying for supplemental security income benefits on the basis of disability or blindness before making a formal medical determination when available information indicates a high probability that disability or blindness exists. These findings of presumptive disability and blindness may be made at the Social Security district offices only for specified impairment categories; at the State agencies, they may be made for any impairment category. We are proposing to add renal disease requiring dialysis on a regularly scheduled basis to these categories in view of the predictability that the disease will result in a finding of disability. We are also proposing a restructuring of our regulations to show more clearly that two of these impairment categories require confirming contacts before findings of presumptive disability may be made by district office.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AC10

642. SUPPLEMENTAL SECURITY INCOME PROGRAM; DEFINE OUT OF RESOURCES FOR ONE MONTH CERTAIN CASH PAYMENTS FOR MEDICAL/SOCIAL SERVICES

Legal Authority: 42 USC 1382(a)(1)(B)

CFR Citation: 20 CFR 416.1201(a)

Legal Deadline: None.

Abstract: The proposed revision would provide that, for one calendar month following receipt, money paid by a medical or social services program to

enable someone to pay for an approved service would not be a resource. If still unexpended after a month, the money would be considered available for basic living expenses and so would be a resource. This will allow people a reasonable time in which to pay for services without affecting their supplemental security income eligibility. (The change would not apply to money which simply reimburses a person for a service payment already made.)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7463

RIN: 0960-AC11

643. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPEALS COUNCIL REVIEW AND REOPENING AUTHORITY

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 401; 42 USC 404

CFR Citation: 20 CFR 404.970; 20 CFR 404.968a; 20 CFR 416.1470; 20 CFR 416.1468a, (New); 20 CFR 404.900; 20 CFR 404.907; 20 CFR 404.920; 20 CFR 404.929; 20 CFR 404.938; 20 CFR 404.939; 20 CFR 404.944; 20 CFR 404.961

Legal Deadline: None.

Abstract: These regulations clarify the authority of the Appeals Council, an adjudicatory body within the Social Security Administration, to review an administrative law judge decision or dismissal for any reason within 60 days after the date of a hearing decision or dismissal. The current regulations have been misinterpreted as limiting the scope of the Appeals Council review authority. The regulations make it clear that where the Appeals Council grants a claimant's request to review an ALJ's decision, the Appeals Council reviews the entire record and may change the decision in its entirety, including those portions which were decided favorably to the claimant. Finally, these regulations make it clear that the Appeal's Council authority to reopen and revise an administrative law judge's decision is separate from and in addition to the Appeals's Council authority to review an administrative law judge's decision.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7452

RIN: 0960-AC15

644. OLD-AGE SURVIVORS AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404

Legal Deadline: None.

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program", "court of law", and "reasonable time", for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: No

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, 301 594-7460

RIN: 0960-AC16

645. SUPPLEMENTAL SECURITY INCOME PROGRAM; EMPLOYMENT OPPORTUNITIES FOR THE DISABLED

Significance: Regulatory Program

Legal Authority: PL 99-643, Sec 2; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 99-643, Sec 5

CFR Citation: 20 CFR 416.200; 20 CFR 416.401; 20 CFR 416.901; 20 CFR 416.1100; 20 CFR 416.1325; 20 CFR 416.1403; 20 CFR 416.2040; 20 CFR 416.1402; 20 CFR 416.1404

Legal Deadline: None.

Abstract: These proposed regulations will implement statutory changes contained in sections 2, 3, 4, and 5 of P.L. 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; (2) allow certain blind and disabled beneficiaries to receive up to 2 months of SSI benefits during temporary periods when they are in certain institutions; (3) simplify the transitions among regular SSI status, special benefit status, and special Medicaid status; and (4) require that SSI recipients be appropriately informed of the availability of section 1619 benefits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	11/00/89	

Small Entity: Undetermined

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7337

RIN: 0960-AC22

646. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Significance: Agency Priority

Legal Authority: 42 USC 1382b; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

Legal Deadline: None.

Abstract: This proposed regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law or lawfully admitted for permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AC26

647. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGES-- DEFERRED COMPENSATION

Legal Authority: PL 98-21; PL 99-514; PL 98-369

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1047; 20 CFR 404.1049; 20 CFR 404.1050; 20 CFR 404.1001; 20 CFR 404.1026; 20 CFR 404.1046; 20 CFR 404.1048; 20 CFR 404.1051; 20 CFR 404.1052; 20 CFR 404.1053; 20 CFR 404.1054; 20 CFR 404.1058; 20 CFR 404.1059; ...

Legal Deadline: None.

Abstract: P. L. 98-21, the Social Security Amendments of 1983, changed the timing of crediting deferred compensation for Social Security purposes. It also changed the treatment of retirement pay depending upon whether it is paid under a qualified deferred compensation plan. Further, it excluded from coverage various fringe benefits and payments under a Simplified Employee Pension Plan (SEP). Finally, the amendments codify certain provisions pertaining to meals and lodging and tax-sheltered annuities. P.L. 98-369 amended the wage exclusion for qualified bond purchase plans. P.L. 99-514 excluded from coverage payments under a cafeteria plan as described in section 125 of the Internal Revenue Code and employee achievement awards for Social Security purposes. It extended the exclusions of Educational Assistance Programs and Group Legal Service Plans and removed the exclusion of SEP payments. The regulations will be updated to reflect and implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Additional Information: Since the new rules are mandated by legislation, any costs or effects upon small entities are a result of the legislation and not a result of the proposed regulations.

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3408**

RIN: 0960-AC27

648. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: PL 99-643, Sec 8

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None.

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. We are changing our regulations to conform to the statutory provision. Annual cost is not expected to exceed $1 million.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AC28

649. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; AND ORGANIZATION AND FUNCTIONS; RECORDS OF EARNINGS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 422.125; 20 CFR 404.820a; 20 CFR 404.831

Legal Deadline: None.

Abstract: This proposed regulation will establish rules on the evidence an individual must submit with a request to correct the Secretary's record of earnings and state the conditions under which the Secretary will assist the requester in obtaining evidence that establishes such records as incorrect. This proposed regulation will reduce the number of unproductive efforts the agency makes to investigate unsubstantiated assertions that the Secretary's records are incorrect and facilitate the correction process in many cases by relying more upon evidence readily available to the requester, rather than requiring the agency to attempt to obtain evidence from the employer.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AC30

650. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONSIDERATION OF VOCATIONAL FACTORS

Legal Authority: 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1560; 20 CFR 416.960

Legal Deadline: None.

HHS—SSA

Proposed Rule Stage

Abstract: These proposed regulations reflect longstanding policies followed by the Social Security Administration in making disability determinations and remove an ambiguity which exists in the present regulations regarding the factors that are considered when it is determined that a claimant is not disabled because he or she is able to do his or her past work. These proposed regulations do not reflect a substantive change in policy and are intended only to clarify what has always been agency policy.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7415

RIN: 0960-AC31

651. ● ORGANIZATION AND PROCEDURES, AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; SOCIAL SECURITY NUMBER CARDS FOR ALIENS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None.

Abstract: The proposed regulation will specify the role of the Immigration and Naturalization Service in obtaining applications for Social Security numbers from aliens when they apply for temporary legal resident status. Rules on evidence needed to support an application are being updated and revised. The proposed regulation will also enable States to obtain applications from welfare claimants and recipients. Cost/benefit estimates are not available.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-6785

RIN: 0960-AC34

652. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITION OF DOWN SYNDROME TO THE LISTING OF IMPAIRMENTS

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404P

Legal Deadline: None.

Abstract: We proposed to add Down Syndrome to the multiple body systems, category of impairments, in Part B of the Listing of Impairments to provide for evaluation of Down syndrome claims according to the impairment criteria for the major system affected. The Listing of Impairments describes, for each of the major body systems, a level of severity which is considered sufficient to find a person disabled or blind under the disability program. Part B contains additional medical criteria that apply only to the evaluation of impairments of persons under age 18.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7337

RIN: 0960-AC35

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Final Rule Stage

653. SUPPLEMENTAL SECURITY INCOME PROGRAM; MANDATORY PASS THROUGH UNDER STATE SUPPLEMENTATION PROVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 1382g(c); PL 97-377, Sec 147; PL 98-21, Sec 402; PL 99-272, Sec 12201 (a)

CFR Citation: 20 CFR 416, Subpart T

Legal Deadline: None.

Abstract: These rules reflect the following changes in the law: after the 12-month period ending 6/82, States could switch from the "maintaining of total expenditures" method of compliance with mandatory passthrough provisions to the "maintaining of payment levels" method without first having to pass through to all current SSI recipients all the Federal cost-of-living benefit increases which have occurred since 12/76, by maintaining the payment levels in effect in December of the latest preceding total expenditures period. This option is applicable only to the period from July 1, 1982 through March 31, 1983, and the only December payment levels a State could use were those in effect in December 1981. For months after March 1983, the measure for determining passalong compliance has been changed from the concept of "State supplementary payment levels to the concept of combined supplementary and SSI payment levels and the March 1983 combined level has been established as the base for compliance for months after March 1983. Also reflected in the rules is a special method of compliance for States meeting the (continued)

Timetable:

Action	Date	FR Cite
NPRM	04/26/85	50 FR 07607
Final Action	11/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: passalong requirements by the total annual expenditures test for the period 7/1/80 through 6/30/81. The total expenditures for that period need only equal or exceed the total expenditures for 7/1/76 through 6/30/77, rather than the total expenditures for the preceding 12-month period. In addition, these rules provide a special method of compliance for the period January 1,

1984 through December 31, 1985. A State will not be found out of compliance for that period if in the period January 1, 1986 through December 31, 1986, its supplementary payment levels are not less than its supplementary payment levels in effect in December 1976 increased by the percentage by which the Federal Benefit Rate has increased after December 1976 and before February 1986.

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AA05

654. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 418; 42 USC 1302; PL 98-21, Sec 103; PL 98-21, Sec 342; PL 99-272, Sec 12110; PL 99-509, Sec 9002

CFR Citation: 20 CFR 404, Subpart M

Legal Deadline: None.

Abstract: This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. We also added the provisions of sections 103 and 342 of Pub. L. 98-21. Sec. 103 prohibits termination of existing coverage under the States' agreements. Sec. 342 changes payment of Social Security contributions from once a month to twice a month. When the regulations are published in final form, we will also add language to implement Pub. L. 99-272 sec. 12110, which provides a uniform effective date for coverage agreements and modifications of agreements, and a provision of sec. 9002 of the Omnibus Budget (cont)

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/28/79	44 FR 55899
Notice of Available Working Draft	09/26/80	45 FR 63868
NPRM	05/29/86	51 FR 19468
NPRM Comment Period End	09/26/86	
Final Action	03/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: Reconciliation Act of 1986 which transfers from SSA to IRS all responsibility for the contributions and reporting for covered State and local wages paid after 1986.

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AA13

655. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; 42 USC 1382a; 42 USC 1382b

CFR Citation: 20 CFR 416, Subpart M

Legal Deadline: None.

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3408**

RIN: 0960-AA22

656. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR INFERRING A PERSON IS DEAD

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923

CFR Citation: 20 CFR 404, Subpart H

Legal Deadline: None.

Abstract: These final regulations clarify our regulations to explain that a claimant, in order to collect the lump-sum death payment or survivors benefits under the Old-Age, Survivors, and Disability Insurance (OASDI) program, is at all times responsible for furnishing evidence proving the insured person's death. The regulations are also revised to state that we do not infer the death of a missing person if there are known circumstances that could reasonably explain the absence, even without direct evidence that such circumstances actually were the reasons for absence.

Timetable:

Action	Date	FR Cite
NPRM	02/29/84	49 FR 07405
NPRM Comment Period End	04/30/84	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA54

657. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None.

Abstract: The proposed rules provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discover an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies. This rule is being proposed because the two-year period in which we may reopen and revise a determination based on new and material evidence we acquire through data and exchange is often too short and often expires before the determination to correct errors revealed by the data can be made. The budgetary impact has not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30499
NPRM Comment Period End	10/27/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA59

658. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; EFFECT OF PENSION FROM NONCOVERED EMPLOYMENT

Significance: Regulatory Program

Legal Authority: PL 98-21, Sec 113; 42 USC 415; 42 USC 433; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart C

Legal Deadline: None.

Abstract: The provision of section 113 of Pub. L. 98-21 (the Social Security Amendments of 1983) eliminates the windfall that occurs when the heavy weighting in the benefit formula that is intended for workers with low wages goes instead to workers who spent many years in noncovered employment and worked only a few years in covered employment. This will be accomplished by modifying the benefit computation formula to consider a worker's pension from noncovered employment. This provision will decrease program costs by $1 million for 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49558
NPRM Comment Period End	02/03/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6624**

RIN: 0960-AA65

659. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCE LIMITS FOR CONDITIONAL SSI PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 1382b(b); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart L

Legal Deadline: None.

Abstract: Current regulations for the Supplemental Security Income program provide that if countable liquid resources and total countable resources (liquid and nonliquid) do not exceed certain limits, conditional payment is possible while disposing of excess nonliquid resources. This regulation will eliminate the limit on total countable resources and also eliminate an operating assumption that property has no value at all because it did not sell during a conditional payment period.

Timetable:

Action	Date	FR Cite
NPRM	11/13/85	50 FR 46778
NPRM Comment Period End	01/13/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7463**

RIN: 0960-AA75

660. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS-AIDS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.934

Legal Deadline: None.

Abstract: Section 1631(a)(4)(B) of the Social Security Act provides for the payment of benefits to persons applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination of disability or blindness when available information indicates a high probability that disability or blindness exists. These presumptive disability and blindness decisions may be made at the Social Security district offices in a limited number of categories. We are adding AIDS to these categories.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/85	50 FR 5573
Final Action	00/00/00	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AA79

661. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN NEWLY HIRED FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Legal Authority: PL 98-21, Sec 101; PL 98-118, Sec 4; PL 99-272, Sec 12112; PL 99-335, Sec 301; PL 97-248, Sec 278

CFR Citation: 20 CFR 404.1018

Legal Deadline: None.

Abstract: The proposed regulations would codify section 101 of Pub. L. 98-21, as amended by sec. 4 of Pub. L. 98-118, which generally provides Social Security coverage for certain Federal employees and covers certain payments to retired Federal judges after 1985. Estimated increased revenues (resulting

from this legislation) for 1984-1989 are $9.4 billion. Long-range savings are estimated at .28 percent of taxable payroll. Also, the proposed regulations would codify section 12112 of Pub. L. 99-272 which provides exemption from Social Security coverage for retired Federal judges on active duty. In addition, the proposed regulations would provide: 1) that Federal employees not otherwise subject to the Social Security tax are nevertheless subject to the Health Insurance portion of the tax under Pub. L. 97-248, and 2) that individuals covered by the Civil Service Retirement System may elect during a limited time to be covered under the Federal Employees Retirement System, which includes Social Security coverage.

Timetable:

Action	Date	FR Cite
Final Action	01/00/88	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AA89

662. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; EXISTING MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: Statutory, April 7, 1985.

Abstract: The proposed regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The proposed regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/20/87	52 FR 13014
NPRM Comment Period End	06/19/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB22

663. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ASSIGNMENT OF RIGHTS TO THIRD-PARTY MEDICAL PAYMENTS TO STATE

Legal Authority: 42 USC 1383c; 42 USC 1396k; 31 USC 0505; 42 USC 1396a; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.2101 to 416.2176

Legal Deadline: None.

Abstract: Our current regulations implementing section 1634 of the Social Security Act provide that SSA will make determinations for the State on whether aged, blind, or disabled people are eligible for Medicaid if the State's Medicaid requirements for these people are the same as SSI eligibility requirements. Sec. 2367 of Pub. L. 98-369 mandates that States require, as a condition of Medicaid eligibility, that a person assign to the State his or her rights (as well as the rights of any other Medicaid eligible person on whose behalf he or she has the legal authority to execute such an assignment of rights) to any medical care and support available under an order of a court or an administrative agency and any third-party payments for medical care (except Medicare). This is a Medicaid requirement that is different from SSI requirements. We plan to amend our regulations to provide that in making the Medicaid eligibility determination under a section 1634 agreement, SSA will also determine that the new assignment requirement has been met. The regulations will similarly allow for any other non-SSI Medicaid requirement mandated by Federal law, such as that added by sec. (cont.)

Timetable:

Action	Date	FR Cite
NPRM	05/09/86	51 FR 17200
NPRM Comment Period End	07/08/86	
Final Action	02/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: 9503 of Pub. L. 99-272 (concerning the provision of third party liability data). The resulting cost for SSA is estimated as less than $1 million a year, of which States would pay half. We are also rewriting and reorganizing our regulations for making Medicaid determinations.

Agency Contact: C. H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AB28

664. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383; PL 97-455, Sec 2; PL 98-118, Sec 2; PL 98-460, Sec 7

CFR Citation: 20 CFR 404.1597; 20 CFR 404.1597a; 20 CFR 416.995; 20 CFR 416.996

Legal Deadline: None.

Abstract: These proposed rules which implement section 2 of Pub. L. 97-455, section 2 of Pub. L. 98-118 and section 7 of Pub. L. 98-460 provide the following groups with the option to elect to continue receiving disability/blindness benefits and/or Medicare coverage pending reconsideration and/or a hearing before an administrative law judge on a medical cessation determination; recipients of disability insurance; adult child's, disabled widow's, disabled widower's, mother's and father's, or spouse's benefits based

on having in care a disabled adult child; recipients of benefits based on having in care, a child under age 18 but over age 15, who is disabled and receiving child's benefits; recipients of SSI benefits based on disability or blindness. Any continued payments are subject to recovery as overpayments, subject to the same waiver provisions now in current law and regulations where the medical cessation decision is upheld on appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/21/86	51 FR 18611
NPRM Comment Period End	07/21/86	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB30

665. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 8; 42 USC 405; 42 USC 421; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1503; 20 CFR 404.1526; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 404.1617; 20 CFR 416.903; 20 CFR 416.926; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 414.1016; 20 CFR 416.1017

Legal Deadline: None.

Abstract: The proposed regulations reflect the provisions of section 8 of PL 98-460 by requiring that we make every reasonable effort to have a qualified psychiatrist or psychologist to complete the medical portion of the case review and any residual functional capacity assessment in unfavorable determinations in mental impairment cases. We are also explaining the qualifications necessary to be considered a qualified psychologist and what we will consider as reasonable effort to obtain the services of a qualified psychiatrist or psychologist. State agencies must make every reasonable effort to see that the services of qualified psychiatrists and psychologists are obtained, for instance, by raising State fee schedules to provide compensation at the prevailing rates in the community. SSA may also use Federal resources, including contracting directly for these services when the State is unable to provide them due to inadequate compensation or other impediments at the State level. Costs will increase by less than $5 million in the first year that the regulations are effective. These figures were derived from the number of additional physician hours needed for State (cont.)

Timetable:

Action	Date	FR Cite
NPRM	12/13/85	50 FR 50920
NPRM Comment Period End	02/11/86	
Final Action	11/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: agency medical consultants.

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB31

666. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF OVERPAYMENTS WHEN RECIPIENT'S COUNTABLE ASSETS EXCEED LIMITS IN CERTAIN CASES

Legal Authority: PL 98-369, Sec 2613

CFR Citation: 20 CFR 416

Legal Deadline: None.

Abstract: This proposed regulation reflects the provisions of section 2613 of P.L. 98-369 which provides for waiving recovery of an overpayment that is attributable solely to excess resources if the amount of the excess is $50 or less unless the overpaid recipient (and spouse if any) knowingly and willfully failed to report the value of his/her resources accurately and timely.

Timetable:

Action	Date	FR Cite
NPRM	07/18/86	51 FR 26026
NPRM Comment Period End	09/16/86	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7459**

RIN: 0960-AB32

667. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE, AND OTHER CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17; 42 USC 1383

CFR Citation: 20 CFR 404.1601; 20 CFR 416.1001; 20 CFR 404.1602; 20 CFR 416.1002; 20 CFR 404.1615; 20 CFR 416.1015; 20 CFR 404.1620; 20 CFR 416.1020; 20 CFR 404.1632; 20 CFR 416.1023; 20 CFR 404.1626; 20 CFR 416.1026; 20 CFR 404.1627; 20 CFR 416.1027; 20 CFR 404.1633; ...

Legal Deadline: None.

Abstract: The regulations deal with the operation of State agencies which make disability determinations for the Social Security Disability program and the Supplemental Security Income for the Aged, Blind, and Disabled program under regulations and other written SSA guidelines. The regulations implement a provision of P.L. 98-460 which requires the Secretary to take definitive steps within specific time frames to assure the compliance of State agencies with SSA regulations and other written guidelines or proceed to terminate their participation in the SSA administered programs. The regulations also make other changes to improve the disability determination process and to clarify and update other administrative requirements. Costs/savings cannot be estimated at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15638
NPRM Comment Period End	06/24/86	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB36

668. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart V; 20 CFR 416, Subpart V

Legal Deadline: None.

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to VRA's for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their medical recovery. The second new provision allows payment to VRA's for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36510
NPRM Comment Period End	12/09/86	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB37

669. OLD AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1523; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 416.923

Legal Deadline: None.

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. We are revising regulations to reflect that we will now consider the combined effect of impairments to determine severity. When the combined effect is found to be severe, the person's impairments are evaluated throughout the full sequential evaluation process.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB39

670. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 425

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402; 20 CFR 404.902

Legal Deadline: None.

Abstract: The purpose of these regulation changes is to allow for consideration for continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	10/00/87	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AC05

671. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROHIBITION ON DIRECT PAYMENT OF FEES TO REPRESENTATIVES

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1520; 20 CFR 416.1525; 20 CFR 416.1528; 20 CFR 416.1335

Legal Deadline: None.

Abstract: In these proposed rules, we will state explicitly our policy of not withholding money from a claimant's retroactive SSI benefits to pay a fee directly to the claimant's representative. We believe that no authority exists under the Social Security Act for such withholding. Furthermore, such withholding is prohibited by the assignment provisions of section 207 of the Social Security Act. We expect no costs.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8309
NPRM Comment Period End	05/18/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AC08

672. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302; PL 99-272, Sec 12201(b)

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None.

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AC13

673. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPLICATION OF DEPENDENCY TEST TO ADOPTED GREAT-GRANDCHILDREN; DEMONSTRATION PROJECTS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.362; 20 CFR 404.1599; 20 CFR 416.250

Legal Deadline: None.

Abstract: These regulations implement sections 12101 and 12104 of Pub. L. 99-272 (the Consolidated Omnibus Budget Reconciliation Act of 1985). Section 12101 of Pub. L. 99-272 extends the Secretary's waiver authority on demonstration projects in the title II disability insurance program which was originally provided for by section 505(a)(3) of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). Section 12101 also effectively makes the waiver authority for title XVI demonstration projects permanent. Section 12104 of Pub. L. 99-272 amends section 202(d)(8)(D)(ii) (III) of the Social Security Act to provide that great-grandchildren of the insured individual may be entitled to child's insurance benefits as grandchildren currently are, applying the dependency test for legally adopted children.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AC23

674. ● ORGANIZATION AND PROCEDURES, AND OASDI PROGRAMS; EVIDENCE REQUIRED FOR ORIGINAL OR DUPLICATE SOCIAL SECURITY NUMBER CARD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None.

Abstract: The proposed regulations will allow the Social Security Administration (SSA) to test procedures that will provide exceptions to the current requirements that SSA interview an applicant for a new Social Security number and that an applicant for a duplicate card submit evidence of identity. This will enable us to test procedures that would allow us to conduct much of our business in processing applications for original or duplicate Social Security number cards by telephone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AC32

675. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; AGAINST EQUITY AND GOOD CONSCIENCE: DEFINED

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302; 42 USC 1383(b)

CFR Citation: 20 CFR 404.509; 20 CFR 416.554

Legal Deadline: None.

Abstract: The proposed change would allow us to grant waiver of recovery of the overpayment to individuals who did not receive the overpayment, who are without fault, living in a separate household at the time of the overpayment, and who had no knowledge of the overpayment.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	52 FR 10116
NPRM Comment Period End	05/29/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AC33

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Completed Actions

676. SUPPLEMENTAL SECURITY INCOME PROGRAM; AGE 18 AND ALIEN DEEMING

Significance: Agency Priority

CFR Citation: 20 CFR 416.535; 20 CFR 416.550; 20 CFR 416.570; 20 CFR 416.1148; 20 CFR 416.1149; 20 CFR 416.1160; 20 CFR 416.1161; 20 CFR 416.1163; 20 CFR 416.1165; 20 CFR 416.1166; 20 CFR 416.1166a; 20 CFR 416.1202; 20 CFR 416.1204; 20 CFR 416.1821; 20 CFR 416.1851

Completed:

Reason	Date	FR Cite
Final Action	03/20/87	52 FR 8877

Small Entity: No

Agency Contact: Henry Lerner 301 594-7463

RIN: 0960-AA26

677. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FUTURE EFFECT OF APPLICATIONS AND RELATED CHANGES IN APPEALS COUNCIL PROCEDURES

CFR Citation: 20 CFR 404.620(a); 20 CFR 404.976(b); 20 CFR 416.1400; 20 CFR 416.1476(b); 20 CFR 416.1479

Completed:

Reason	Date	FR Cite
Final Action	02/09/87	52 FR 4001

Small Entity: No

Agency Contact: Phil Berge 301 594-7452

RIN: 0960-AA28

678. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGE COVERAGE UNDER SOCIAL SECURITY

CFR Citation: 20 CFR 404.1043; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1060; 20 CFR 404.1341

Completed:

Reason	Date	FR Cite
Final Action	08/11/87	52 FR 29659

Small Entity: No

Agency Contact: C.H. Campbell 301 597-3408

RIN: 0960-AA55

679. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; US RESIDENCE REQUIREMENTS FOR NON-RESIDENT ALIENS AND DEDUCTIONS FOR WORK OUTSIDE THE U.S

CFR Citation: 20 CFR 404.417; 20 CFR 404.460

Completed:

Reason	Date	FR Cite
Final Action	07/13/87	52 FR 26142

Small Entity: No

Agency Contact: C.H. Campbell 301 597-3408

RIN: 0960-AA76

680. BLACK LUNG PROGRAM; ESTABLISHING DEPENDENCY OF SURVIVING DIVORCED WIFE AND COMPUTATION OF BASIC RATE

CFR Citation: 20 CFR 410.361; 20 CFR 410.510

Completed:

Reason	Date	FR Cite
Discontinued	07/00/87	

Small Entity: No

Agency Contact: Irving Darrow 301 597-3409

RIN: 0960-AB05

681. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE UNDER COLOR-OF-LAW

Significance: Agency Priority

CFR Citation: 20 CFR 416.1618

Completed:

Reason	Date	FR Cite
Final Action	06/10/87	52 FR 21939

Small Entity: No

Agency Contact: Dave Smith 301 594-7460

RIN: 0960-AB24

682. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM REOPENING AND REVISING DETERMINATIONS AND DECISIONS WHERE THERE IS CLEAR ERROR OR NEW AND MATERIAL EVIDENCE

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F

Completed:

Reason	Date	FR Cite
Discontinued	07/00/87	

Small Entity: No

Agency Contact: Phil Berge 301 594-7452

RIN: 0960-AB34

683. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; PERIOD OF DISABILITY--WHEN YOU MAY NOT BE ENTITLED TO BENEFITS

CFR Citation: 20 CFR 404

Completed:

Reason	Date	FR Cite
Final Action	05/21/87	52 FR 19135

Small Entity: No

Agency Contact: Lawrence V. Dudar 301 594-7459

RIN: 0960-AB82

684. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; DETERMINING FIRST MONTH OF ENTITLEMENT BASED ON ONE-HALF SUPPORT

CFR Citation: 20 CFR 404.366(b)

Completed:

Reason	Date	FR Cite
Final Action	07/17/87	52 FR 26954

Small Entity: No

Agency Contact: Dave Smith 301 594-7460

RIN: 0960-AB83

685. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE, SUPPLEMENTAL SECURITY INCOME & BLACK LUNG PROGRAMS--OWN MOTION REVIEW OF FEE DETERMINATION

CFR Citation: 20 CFR 404.1720; 20 CFR 410.686; 20 CFR 416.1520

Completed:

Reason	Date	FR Cite
Withdrawn	05/21/87	52 FR 19169

Small Entity: No

Agency Contact: Duane Heaton 301 594-6629

RIN: 0960-AB89

HHS—SSA

Completed Actions

686. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; SUPPLEMENTAL SECURITY INCOME PROGRAMS; EFFECTUATING COMPONENT RECOMMENDATION THAT THE APPEALS COUNCIL REVIEW AN ALJ DECISION

CFR Citation: 20 CFR 404.955; 20 CFR 404.967a; 20 CFR 404.987; 20 CFR 410.662a; 20 CFR 416.1455; 20 CFR 416.1467a, (New); 20 CFR 416.1487

Completed:

Reason	Date	FR Cite
Discontinued-Combine with 0960-AC15	07/00/87	

Small Entity: No

Agency Contact: Phil Berge 301 594-7452

RIN: 0960-AB90

687. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIQUID AND NONLIQUID RESOURCES AND RESOURCES DETERMINATIONS

CFR Citation: 20 CFR 416.1201; 20 CFR 416.1207, (New)

Completed:

Reason	Date	FR Cite
Final Action	02/11/87	52 FR 04282

Small Entity: No

Agency Contact: Henry D. Lerner 301 594-7463

RIN: 0960-AC02

688. SUPPLEMENTAL SECURITY INCOME PROGRAM; PENSION FUNDS FOR DEEMING PURPOSES AND GRANDFATHERING PROVISIONS

CFR Citation: 20 CFR 416.1202; 20 CFR 416.1260

Completed:

Reason	Date	FR Cite
Final Action	08/12/87	52 FR 29840

Small Entity: No

Agency Contact: Henry D. Lerner 301 594-7463

RIN: 0960-AC03

689. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY

CFR Citation: 20 CFR 404.1574; 20 CFR 416.974

Completed:

Reason	Date	FR Cite
Discontinued-Combine with 0960-AB73	06/00/87	

Small Entity: No

Agency Contact: Dave Smith 301 594-7460

RIN: 0960-AC21

690. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ENTITIES AS REPRESENTATIVES OF SS CLAIMANTS; FEE PAID BY THIRD PARTY

CFR Citation: 20 CFR 404R; 20 CFR 410F; 20 CFR 416O

Completed:

Reason	Date	FR Cite
Discontinue-Combined with 0960-AA64	07/00/87	

Small Entity: No

Agency Contact: Jack Schanberger 301 594-6785

RIN: 0960-AC25

691. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PAYMENTS ON A RESOURCE WITH A CURRENT MARKET VALUE OF ZERO - INSTALLMENT PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 1382b; 42 USC 1383(d)

CFR Citation: 20 CFR 416.1201

Legal Deadline: None.

Abstract: We propose to amend 20 CFR 416.1201 to specify that, when a promissory note, contract, or agreement calls for installment payments against the principal, its CMV would be no less than the monthly proportion of any installment amount due against the principal. This proposal recognizes that, although the entire promissory note, property contract, or agreement may have no market, it has a minimum value in the amount of the installment amount due periodically against the principal, since that is what the market has agreed to pay. This proposal does not affect the treatment of any interest portion of an installment payment which continues to be income when received. Also, the proposal has minimal impact on the SSI program as it applies only to resources which have proceeds due. Further, it has limited effect on recipients since it does not affect payment amount, although it may affect eligibility. The cost/savings impact for this proposal is estimated to be insignificant.

Timetable:

Action	Date	FR Cite
Regulatory Action Cancelled	08/00/87	
NPRM	06/00/88	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7463

RIN: 0960-AC36

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

692. ● STATUTORY PROHIBITION ON USE OF APPROPRIATED FUNDS IN PROGRAMS WHERE ABORTION IS A METHOD OF FAMILY PLANNING

Significance: Agency Priority

Legal Authority: 42 USC 300a-4

CFR Citation: 42 CFR 59

Legal Deadline: None.

Abstract: The proposed regulations would give effect to the statutory prohibition on the use of Title X appropriated funds in programs that

HHS—PHS—OASH

Proposed Rule Stage

include abortion as a method of family planning.

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	
NPRM Comment Period End	11/01/87	
Final Action	12/17/87	

Small Entity: No

Agency Contact: Nabers Cabaniss, Deputy Assistant Secretary for Population Af, fairs, Department of Health and Human Services, Public Health Service, Room 730E, HHH Bldg., 200 Independence Avenue, SW, Washington, D.C. 20201, 202 245-0152

RIN: 0905-AC64

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

693. GRANTS FOR ADOLESCENT PREGNANCY AND FAMILY LIFE PROJECTS

CFR Citation: 42 CFR 59

Completed:

Reason	Date	FR Cite
Withdrawn Program being phased out after FY 89; regs will not be developed.	08/13/87	

Small Entity: No

Agency Contact: Donald Underwood 202 245-0146

RIN: 0905-AA24

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

694. CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Significance: Agency Priority

CFR Citation: 42 CFR 2

Completed:

Reason	Date	FR Cite
Final Action	06/09/87	52 FR 21796
Final Action Effective	08/10/87	52 FR 21796

Small Entity: No

Agency Contact: Judith T. Galloway 301 443-3200

RIN: 0905-AA26

695. OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

CFR Citation: 42 CFR 64a

Completed:

Reason	Date	FR Cite
Final Action	05/15/97	52 FR 18358
Final Action Effective	06/15/87	52 FR 18358

Small Entity: Not Applicable

Agency Contact: Diana Trunnell 301 443-4924

RIN: 0905-AB48

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

696. PROJECT GRANTS FOR HEALTH PROGRAMS FOR REFUGEES

Legal Authority: 8 USC 1522(b) Section 412(b)(5) Immigration and Nationality Act; PL 96-212 Refugee Act of 1980; PL 97-363 Refugee Assistance Amendments of 1982

CFR Citation: 42 CFR 51e

Legal Deadline: None.

Abstract: Regulations are required by Department policy for this project grant program administered by the Centers for Disease Control (CDC) under an intra-agency agreement with the Office of Refugee Resettlement (ORR). The project grants are awarded to State and local health agencies to assist them in providing initial health assessments to arriving refugees. These health assessments specifically address conditions of public health concerns, like tuberculosis, and also identify personal health problems that could impair the effective resettlement of the refugee. CDC has established the program requirements, guidelines, and standards for evaluation.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	51 FR 16724
NPRM Comment Period End	07/07/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: FTS 236-1802

Agency Contact: Anthony M. Scardaci, Associate Dir., Ctr. for Prevention Services, Department of Health and Human Services, Centers for Disease

HHS—PHS—CDC **Final Rule Stage**

Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-1802**

RIN: 0905-AB43

697. IMPROVE STANDARDS FOR RESPIRATOR DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 801

CFR Citation: 30 CFR 11

Legal Deadline: None.

Abstract: There are three major problems that the proposed regulatory action is intended to solve. First, the current regulatory provisions in 30 CFR 11 in some instances date back almost fifty years. As a result the provisions are not current with many of the extensive changes in respirator technology. Second, the current regulations do not provide for testing of respirators under either actual or simulated use conditions prior to certification. Third, the resources required to conduct routine respirator certification testing has made it difficult for NIOSH to keep respirator performance standards current with advances in respirator technology and with new knowledge on respirator performance characteristics. Alternatives considered: (1) the Federal government could relinquish the field entirely to the private sector. (2) The Federal government could promulgate performance standards but not be involved in assuring compliance with those standards. (3) The Federal government could continue to be the certifier of respirators but have manufacturers conduct testing. (4) The Federal government could continue its present role of total operation of the respirator system. NIOSH (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: selected alternative number (3). Cost is yet to be determined.

Agency Contact: Glendal J. Provost, Science Advisor, Department of Health and Human Services, Public Health Service, Office of the Director, NIOSH, Centers for Disease Control, **404 329-3773**

RIN: 0905-AB58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Public Health Service (PHS)—Centers for Disease Control (CDC)

698. DISTRIBUTION OF REFERENCE BIOLOGICAL STANDARDS AND BIOLOGICAL PREPARATIONS

Significance: Regulatory Program

CFR Citation: 42 CFR 7, (New)

Completed:

Reason	Date	FR Cite
Final Action	04/07/87	52 FR 11072
Final Action Effective	05/07/87	52 FR 11072

Small Entity: No

Agency Contact: Elizabeth B. Ostuni **404 329-3354**

RIN: 0905-AB49

699. SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

CFR Citation: 42 CFR 37, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	03/13/87	52 FR 7866
Final Action Effective	04/13/87	52 FR 7866

Small Entity: No

Agency Contact: Ms. Mitzie Martin **304 291-4301**

RIN: 0905-AB51

700. MEDICAL EXAMINATION OF ALIENS

Significance: Regulatory Program

CFR Citation: 42 CFR 34(b)(8), (New)

Completed:

Reason	Date	FR Cite
Final Action	06/08/87	52 FR 21532
Final Action Effective	07/08/87	52 FR 21532

Small Entity: No

Agency Contact: Laurence S. Farer, M.D. **404 235-1286**

RIN: 0905-AB96

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Prerule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

701. DRUG EXPORTS

Significance: Regulatory Program

Legal Authority: PL 99-660 Drug Export Amendment Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Drug Export Amendment Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on agency practices and policies concerning the implementation of the Drug Export Amendment Act of 1986. The agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendment, and establish timeframes for the development of those regulations.

HHS—PHS—FDA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Joseph Wilczek, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905-AC44

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Proposed Rule Stage

702. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None.

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic" & "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Anti-fungal," "Anti-microbial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM for (cont)

Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products
ANPRM 05/21/82 (47 FR 22344)

Alertness Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 12/00/87

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 03/00/88

Anthelmintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 01/00/88

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 09/30/85 (50 FR 39854)
Final Action 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 04/30/86 (51 FR 16138)

Antidotes, Toxic Ingestion Products
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 04/30/87 (52 FR 15886)

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 04/00/88

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 04/00/88

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 00/00/00

Astringent (Wet Dressings) Products
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 02/20/87 (52 FR 5412)

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 00/00/00

Camphorated Oil Drug Products
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 02/20/87 (52 FR 5412)

Cough/Cold (Anticholinergic) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 08/12/87 (52 FR 30042)

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 03/00/88

Cough/Cold (Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 04/00/88

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 00/00/00

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)

Diaper Rash Products
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 12/00/87

Emetic Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 05852)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00
Fever Blister/Cold Sore Products (External)
ANPRM 09/07/82 (47 FR 39436)
Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00
Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 00/00/00
Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00
Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00
Insect Bites and Stings (Relief) Products
ANPRM 09/07/82 (47 FR 39412)
Insect Repellant Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)
Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 04/00/88
Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00
Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
Final Action 00/00/00
Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00
Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00
Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 04/00/88
Mercurial (Topical) Products
ANPRM 01/05/82 (47 FR 436)
Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00
Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 12/00/87
Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 12/00/87
Oral Cavity (Health Care) Products
ANPRM 05/25/82 (47 FR 22760)
Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 03/00/88
Oral Health Care Non-Antimicrobial Products
NPRM 12/00/87
Oral Mucosal Injury Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Oral Wound Healing Products
Final Action 07/18/86 (51 FR 26112)
Otic Products
ANPRM 12/16/77 (42 FR 63556)
NPRM 07/09/82 (47 FR 30012)
Otic Products (Earwax)
Final Action 08/08/86 (51 FR 28656)
Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00
Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 00/00/00
Poison Ivy/Oak/Sumac Prevention
ANPRM 09/07/82 (47 FR 39412)
Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00
Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 03/00/88
Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 00/00/00
Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00
Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 00/00/00
Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 03/00/88
Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00
Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
Final Action 00/00/00
Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entity: No

Additional Information: ABSTRACT CONT: "Antimicrobial Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products."

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8000**

RIN: 0905-AA06

703. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None.

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905-AA73

704. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None.

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Blood & Blood Components; Retrospective Review
NPRM 03/00/88
Final Action 00/00/00

Blood & Blood Derivatives; Implementation of Efficacy Review
NPRM 12/24/85 (50 FR 52602)
Comment Period Ends 03/24/86 (50 FR 52602)
Final Action 03/00/88

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AA75

705. NEW ANIMAL DRUG APPROVAL PROCESS

Significance: Regulatory Program

Legal Authority: 21 USC 360(b) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None.

Abstract: Based upon an evaluation of an action issues report, the agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency. The proposed rule would also provide for reporting requirements for marketed animal drugs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	02/00/89	

Small Entity: Undetermined

Agency Contact: Frank G. Pugliese, Supervisory Consumer Safety Officer, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-102), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905-AA96

706. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100

Legal Deadline: None.

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present to a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). The agency is now considering what it options are with regard to the GRAS status of 1) sulfiting agents used on "fresh" potatoes and 2) other food uses of sulfiting agents. Options being considered are: 1) affirming all uses of sulfiting agents as GRAS with specific limitation; 2) affirming most uses of (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents
NPRM 04/03/85 (50 FR 13306)
Final Action 07/09/86 (51 FR 25012)
EFFECTIVE DATE 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Potatoes
NPRM 10/00/87
Final Action 00/00/00

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
NPRM 12/31/87
Final Action 00/00/00

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
NPRM 08/14/85 (50 FR 32836)
Final Action 07/09/86 (51 FR 25021)
Final Action Effective 08/09/86 (51 FR 25021)

Small Entity: No

Additional Information: ABSTRACT CONT: sulfiting agents as GRAS (excluding certain potato products) with specific limitations; and 3) revoking the GRAS status of all uses of sulfiting agents in food.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, S.W., Washington, DC 20204, **202 426-9463**

RIN: 0905-AB52

707. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None.

Abstract: This regulatory action is being taken to improve the safety of marketed drug products by a reporting scheme that will require serious adverse reactions associated with licensed biological products to be reported to the Food and Drug Administration (FDA).

The purpose of the regulatory action is to require prompt reporting to the agency of serious adverse experiences for all licensed biological products.

The regulatory action being considered by FDA would be consistent with the agency's requirements regarding adverse reactions reporting for approved new drugs under 21 CFR 314.80 (see February 22, 1985; 50 FR 7452). These regulations require all "serious and unexpected" adverse drug experiences and any "significant increase in frequency" of a serious expected event to be reported to the agency within 15 working days. Known and nonserious adverse drug experiences are required to be reported to the agency at quarterly or annual intervals, depending on the length of marketing experience with the drug product. This information permits the agency to monitor effectively (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: the safety of all licensed biological products.

Agency Contact: Robert D. Bradley, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905-AB53

708. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4718

RIN: 0905-AB55

709. IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Regulatory Program

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications. Revised target dates for this regulatory action are appropriate because many new issues have been identified in petitions and letters to the agency from trade associations and attorneys representing individual manufacturers concerning exclusivity, patent coverage, (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: and some of the complex provisions of the act. The resolution of these many minor issues will be reflected in the NPRM and will permit the agency to develop a comprehensive proposed rule.

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and

Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905-AB63

710. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101

Legal Deadline: None.

Abstract: In the FEDERAL REGISTER of August 4, 1986, the Food and Drug Administration (FDA) discussed a new and innovative initiative concerning the placing of health-related claims or information on food labeling and the criteria it will apply in evaluating the propriety of such labeling. Consistent with this new initiative, FDA proposed to amend certain regulations on food labeling to codify and to clarify its policy on the appropriate use of health-related messages. The agency also announced its intention to form a Public Health Service (PHS) committee that will attempt to develop "health messages" appropriate for use on food labeling.

FDA recognizes that this new initiative represents a substantive change in past agency policy, and because of the complexity of the matter and the broad public interest, wishes to proceed cautiously and deliberately in its regulatory approach.

Pending this rulemaking proceeding, the agency will employ the criteria discussed in the preamble to the notice in evaluating the propriety of bringing enforcement action against products bearing health messages on food labeling.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28843
NPRM Comment Period End	11/02/87	52 FR 28843
Final Action	08/00/88	

Small Entity: No

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905-AB67

711. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Legal Deadline: None.

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug applications (ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market. This issue is currently under Congressional review. Further agency action contingent upon Congressional review.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Richard A. Carnevale, Deputy Director, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4314**

RIN: 0905-AB72

712. INFANT FORMULA RECALLS/INFANT FORMULA CURRENT GOOD MANUFACTURING PRACTICES; QUALITY CONTROL PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 7; 21 CFR 106

Legal Deadline: None.

Abstract: The agency is preparing three proposals which will implement the Infant Formula Act of 1986. The first proposal will amend FDA's Infant Formula Recall regulations. These amended regulations will mandate the recall of infant formulas that are in violation of the Act and which have been determined by the Secretary to pose a health hazard. The second proposal will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas. The third proposal will establish infant formula record retention requirements.

Timetable:

Infant Formula Current Good Practices; Qual Control Proc
NPRM 12/30/87

Infant Formula Recall
NPRM 08/14/87 (52 FR 30171)
Comment Period Ends 10/13/87 (52 FR 30171)
Final Action 00/00/00

Infant Formula Record Retention Requirements
NPRM 11/30/87

Small Entity: No

Additional Information: AGENCY CONTACT CONT: For Information Concerning Infant Formula Record Retention Requirements, Good Manufacturing Practices, and Quality Control Procedures Contact: Nicholas Duy, Consumer Safety Officer, Center for Food Safety and Applied Nutrition (HFF-204), Department of Health and Human Services, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204, (202) 245-3117

Agency Contact: Curtis Coker, Consumer Safety Officer, (For Info Concerning Infant Formula Recalls), Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-314), 200 C Street, SW, Washington, DC 20204, **202 485-0024**

RIN: 0905-AC46

713. COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Regulatory Program

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None.

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. In the FEDERAL REGISTER of July 16, 1987 (52 FR 26690), the agency proposed to revoke the common or usual (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/01/84	49 FR 22831
NPRM Comment Period End	07/31/84	49 FR 22831
Final Action	00/00/00	
To revoke regulation		
NPRM 07/16/87 (52 FR 26690)		
Comment Period Ends 09/14/87 (52 FR 26690)		

Small Entity: No

Additional Information: ABSTRACT CONT: name regulation (21 CFR 102.33) for diluted fruit or vegetable juice beverages other than diluted orange juice beverages. The revocation of this regulation will allow voluntary percentage labeling of these diluted juice beverages at the discretion of the manufacturer and according to the demands of the marketplace. Diluted orange juice beverages would continue to be subject to the percentage labeling requirement that has been in effect for diluted orange juice beverages since 1973. This proposed action also withdraws the proposed rule published in the FEDERAL REGISTER of June 1, 1984 (49 FR 22831), which, among other things, exempted cranberry juice products from percentage ingredient labeling requirements.

Agency Contact: **Elizabeth Campbell**, Asst. to the Director, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, **202 485-0260**

RIN: 0905-AC48

714. PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None.

Abstract: In the FEDERAL REGISTER of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA will propose to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy. OSTP has advised the Agency that concurrent publication of the final Model Policy and FDA's proposed rule is needed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Bonnie M. Lee, Public Health Advisor**, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905-AC52

715. ● MENSTRUAL TAMPONS; PROPOSED USER LABELING

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 352; 21 USC 360; 21 USC 371; 21 USC 374

CFR Citation: 21 CFR 801.430

Legal Deadline: None.

Abstract: FDA is considering a proposal to require tampon manufacturers to include on the package label ranges representing tampon absorbency. These ranges could be used with, and would correspond to, currently used absorbency terms. The labeling would be required to include a description of absorbency terms and ranges, and their use for inter-brand comparisons, to educate consumers about the ranges and their relationship to the absorbency terms that have been used in the past and that may continue to be used. Such a proposed rule would also require that tampon absorbency, as expressed by ranges, be determined in accordance with a specific test method for absorbency. The ranges would represent the range of grams of fluid absorbed by that particular style of tampon. Although sufficient data are available for FDA to conclude that there is a significant association between the level of absorbency of tampons and the risk of toxic shock syndrome (TSS) (i.e., the greater the absorbency the greater the risk), FDA cannot know about the extent to which consumers would change their purchasing patterns of tampons if the agency were to require tampon package labels to include a description of (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	

Small Entity: Undetermined

HHS—PHS—FDA

Proposed Rule Stage

Additional Information: ABSTRACT CONT: absorbency terms and ranges. In its proposal, FDA will solicit comments from the public as to how much the proposed labeling scheme would influence consumer choices in selecting a tampon with a lower absorbency.

Agency Contact: Les Weinstein, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

RIN: 0905-AC58

716. ● GRANTS FOR LONG TERM FACULTY TRAINING EMPHASIZING GERIATRICS

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 42 CFR 57, Subpart PP (proposed)

Legal Deadline: None.

Abstract: These proposed rules would govern grants made to schools of medicine, schools of osteopathy, teaching hospitals and graduate medical education programs for the purpose of providing support for geriatric medicine training projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry, in accordance with Pub. L. 99-660, enacted November 14, 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905-AC59

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

717. GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Significance: Regulatory Program

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263 Public Health Service Act

CFR Citation: 21 CFR 58

Legal Deadline: None.

Abstract: This action will revise the agency's regulations covering Good Laboratory Practice for Nonclinical Laboratory Studies based upon the agency's review of these existing rules under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	10/29/84	49 FR 43530
NPRM Comment Period End	12/28/84	49 FR 43530
Final Action	10/00/87	

Small Entity: No

Agency Contact: Paul D. Lepore, Bioresearch Coordinator, Department of Health and Human Services, Food and Drug Administration, Division of Compliance Policy (HFC-230), 5600 Fishers Lane, Rockville, MD 20857, 301 443-2390

RIN: 0905-AA84

718. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Legal Deadline: None.

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices. Seventeen comments were received in response to the proposed rule, five from pharmaceutical companies, six from trade/professional associations, three from consultants, two from veterinary practitioners, and one from a Federal agency. Only three of those commenting supported the proposal. The remaining 14 comments opposed the proposal. The agency is reevaluating the proposal in light of the comments received.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27016
Final Action	01/00/88	

Small Entity: No

Agency Contact: Donald A. Gable, Director, Division of Therapeutic Drugs for Food Animals, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-130), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1414

RIN: 0905-AB01

719. ANIMAL DRUG SAFETY POLICY

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 70.50; 21 CFR 500.80; 21 CFR 500.82; 21 CFR 500.84; 21 CFR 500.86; 21 CFR 500.88; 21 CFR 500.90; 21 CFR 514.1; 21 CFR 514.111; 21 CFR 514.115

Legal Deadline: None.

Abstract: This reproposal would establish an operational definition of the no-residue requirements of the anti-cancer clauses of the Federal Food, Drug, and Cosmetic Act regarding food additives, color additives, and drugs intended for use in food-producing animals.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	07/18/79	44 FR 17070
NPRM	11/20/79	44 FR 17070
NPRM Amended	02/11/83	48 FR 06361
NPRM	10/31/85	50 FR 45530
Comment Period End	02/28/86	50 FR 45530
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Robert Benson, Chemist, Policy Development & Quality Control Staff, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-301), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905-AB04

720. PROPOSED USER CHARGE; NEW DRUG APPLICATIONS, ABBREVIATED NEW DRUG APPLICATIONS, NEW DEVICE APPLICATIONS, AND ANTIBIOTIC APPLICATIONS REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 31 USC 9701 Independent Offices Appropriation Act

CFR Citation: 21 CFR 314

Legal Deadline: None.

Abstract: The proposed rule would initiate a program that would require drug manufacturers (as beneficiaries of special services that the agency provides) to bear the costs that the agency incurs in reviewing and approving new drug and antibiotic applications, abbreviated new drug applications, new device applications, and certain supplemental applications. The agency would set fees for different types of applications. The benefit accruing to an applicant under the agency's new drug and antibiotic application review and approval activity is that the applicant may lawfully market its new drug or antibiotic upon gaining agency approval. Review by the agency also benefits applicants by helping ensure that they will market only safe and effective drug products. This, in turn, enhances public confidence in applicant's drug products. Congress has prohibited FDA from implementing user charges. Legislation has been submitted to Congress to implement user charges for both drugs and devices. The future of this proposed rule is dependent on the outcome of Congressional action.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31726
NPRM Comment Period End	09/05/85	50 FR 31726

Next Action Undetermined

Small Entity: No

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905-AB56

721. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Regulatory Program

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b) to (d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None.

Abstract: Substantial progress has been made in reducing the number of provisionally listed additives and only 3 color additives remain on the provisional list. The agency is presently reviewing petitions to list these color additives permanently. Because FD&C Red No. 3 animal feed studies have shown a treatment-related increased incidence of tumor bearing animals, the agency considered the use of quantitative risk assessment as a basis for assessing the safety of this color additive in external drugs and cosmetics. As a preliminary step in its consideration of this approach, the agency formed a scientific peer review panel of government scientists to consider whether it is possible to quantify the risk presented by the use of FD&C Red No. 3 based on the scientific data available to the agency and, if so, what level of risk is presented by the use of this color additive. The agency has received the report from the scientific review panel in which the panel estimates the risk of cancer from use of FD&C Red No. 3 in external drugs and cosmetics. Furthermore, for FD&C Red No. 3 the industry has postulated a secondary mechanism for the observed (cont)

Timetable:

D&C Orange No. 17
Final Action 08/07/86 (51 FR 28331)

D&C Red No. 19
Final Action 08/07/86 (51 FR 28346)

D&C Red No. 37
Final Action 06/06/86 (51 FR 20786)

D&C Red No. 8 and D&C Red No. 9
Final Action 12/05/86 (51 FR 43877)

D&C Red Nos. 33 and 36
Final Action 11/00/87

FD&C Red No. 3
Final Action 11/00/87

FD&C Yellow No. 5
Final Action 07/07/86 (51 FR 24517)

FD&C Yellow No. 6
Final Action 11/19/86 (51 FR 41765)

Small Entity: No

Additional Information: ABSTRACT CONT: tumorigenic response in the animal feeding study. The agency asked a second scientific peer review panel of government scientists to consider data relating to the issue of a possible secondary mechanism and implications for risk assessment. The panel was also asked to determine what, if any, further studies or analyses may be necessary to resolve the issues. The panel submitted its report to the Commissioner in July 1987. The report was made available to the public in August 1987. D&C Red Nos. 33 and 36 present concern about their possible

carcinogenicity, as well as concern about carcinogenic impurities. Although not found to be carcinogenic in animal testing, these colors are similar in structure to D&C Red No. 9, which was found to be safe based upon a de minimis interpretation of the statute, using conservative risk assessment techniques.

Agency Contact: Donna A. Dennis, Supervisor, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-330), 200 C Street, SW, Washington, DC 20204, **202 426-9463**

RIN: 0905-AB60

722. ANTIBODY TEST FOR HTLV-III; GENERAL BIOLOGICAL PRODUCTS STDS.; ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS; SEROLOGICAL TEST FOR HUMAN T-LYMPHOTROPIC VIRUS, TYPE III

Significance: Regulatory Program

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 610.45, (New); 21 CFR 640.2(f), (Revision); 21 CFR 640.5, (New); 21 CFR 640.14, (Revision); 21 CFR 640.23(a), (Revision); 21 CFR 640.33(a), (Revision); 21 CFR 640.53(a), (Revision); 21 CFR 640.67, (Revision); 21 CFR 640.70(a)(11), (New); 21 CFR 640.71(a)(4), (New); 21 CFR 640.72(a)(2), (Revision)

Legal Deadline: None.

Abstract: On February 21, 1986, the agency proposed to require that each unit of blood and blood components be tested and found nonreactive by a licensed serologic test for antibody to human T-lymphotropic virus type III (HTLV-III). HTLV-III is believed to be the causative agent of acquired immunodeficiency syndrome (AIDS). The agency believes that the routine testing of blood by an approved serologic test for antibody to HTLV-III should decrease the risk of transmitting AIDS by the transfusion of blood and blood components and by the parenteral use of certain plasma derivatives.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6362
NPRM Comment Period End	03/24/86	51 FR 6362
Final Action	12/00/87	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB62

723. PATENT TERM RESTORATION OF REGULATED PRODUCTS (TITLE II OF "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Regulatory Program

Legal Authority: 21 USC 348 Federal Food, Drug and Cosmetic Act; 21 USC 355 Federal Food, Drug and Cosmetic Act; 21 USC 357 Federal Food, Drug and Cosmetic Act; 21 USC 360e Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263h Public Health Service Act; 35 USC 156 Drug Price Competition and Patent Term; Restoration Act, Title II; 35 USC 271 Drug Price Competition and Patent Term; Restoration Act, Title II; 35 USC 282 Drug Price Competition and Patent Term; Restoration Act, Title II

CFR Citation: 21 CFR 60

Legal Deadline: None.

Abstract: On July 11, 1986, the agency proposed regulations to implement the patent term restoration provisions (Title II) of the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417). Patent term restoration, extending patent life, is available for certain patents related to human drug products, and to medical devices, food additives, or color additives subject to regulation under the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
Request for Public Comments on Implementing Title II	06/28/85	50 FR 26791
NPRM	07/11/86	51 FR 25338
NPRM Comment Period End	10/09/86	51 FR 25338
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Phil Chao, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905-AB65

724. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None.

Abstract: In the FEDERAL REGISTER of November 25, 1986, the agency published a proposed rule that would provide a mechanism to allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product), provided quantitative cholesterol content information is supplied. Public comments submitted in response to the proposed rule are being reviewed.

HHS—PHS—FDA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	01/26/87	51 FR 42584
Final Action	07/31/88	

Small Entity: No

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905-AB68

725. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 21 USC 361 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 700.19

Legal Deadline: None.

Abstract: Methylene chloride is used as a flame suppressant in aerosol cosmetic products (hair sprays). Recent carcinogenicity bioassay studies, however, have shown that methylene chloride is an animal carcinogen. These studies indicate that the continued use of methylene chloride, in functional amounts, in such cosmetic products may pose a significant risk to the public health, especially in specific segments of the population that are continually exposed to aerosol cosmetics containing methylene chloride. Methylene is also used as a solvent to extract caffeine from green coffee beans. However, all but a very small portion of the methylene is removed during processing. The agency has been informed of voluntary efforts by the cosmetic industry to replace methylene chloride but believes that prohibiting its use in cosmetics is the only approach that will assure that the public health will be fully safeguarded from all such products, both foreign and domestic.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51551
NPRM Comment Period End	02/18/86	50 FR 51551
Final Action	12/31/87	

Small Entity: No

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, 202 485-0231

RIN: 0905-AC00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

726. IND REGULATIONS REVISION

Significance: Regulatory Program

CFR Citation: 21 CFR 312

Completed:

Reason	Date	FR Cite
Final Action	03/19/87	52 FR 8798
Final Action Effective	06/17/87	52 FR 8798

Small Entity: No

Agency Contact: Steven H. Unger 301 295-8049

RIN: 0905-AB09

727. ● REQUIREMENTS AFFECTING RAW MILK FOR HUMAN CONSUMPTION IN INTERSTATE COMMERCE

Significance: Agency Priority

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 243 Public Health Service Act; 42 USC 264 Public Health Service Act; 42 USC 271 Public Health Service Act

CFR Citation: 21 CFR 1240.61

Legal Deadline: Judicial, August 10, 1987.

Abstract: The Food and Drug Administration (FDA) issued a final regulation requiring that milk and milk products in final package form for human consumption in interstate commerce be pasteurized. The final regulation does not apply to the interstate transportation of raw (unpasteurized) milk to dairy processing plants for pasteurization or to raw milk in intrastate commerce. The final regulation also does not apply to milk and milk products for which an alternative to pasteurization is established in a standard of identity regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/11/87	52 FR 22340
NPRM Comment Period End	07/13/87	52 FR 22340
Final Action	08/10/87	52 FR 29509

Small Entity: No

Agency Contact: Robert J. Lenahan, Acting Regulations Staff Coordinator, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-302), 200 C Street, SW, Washington, DC 20204, 202 485-0162

RIN: 0905-AC60

728. ● INVESTIGATIONAL NEW DRUG, ANTIBIOTIC, AND BIOLOGICAL DRUG PRODUCT REGULATIONS; TREATMENT USE AND SALE

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 312.7; 21 CFR 312.34; 21 CFR 312.35; 21 CFR 312.42

Legal Deadline: None.

Abstract: This final rule provides procedures under which promising investigational new drugs may be made available to desperately ill patients before general marketing begins. These new procedures are intended to facilitate the availability of promising new drugs to patients as early in the drug development process as possible, and to obtain additional data on the drug's safety and effectiveness. These procedures are intended to provide sufficient incentives for drug

manufacturers to make investigational new drugs available to patients before general marketing begins, but under sufficient safeguards so as to prevent commercialization of the product, as well as to ensure the integrity of clinical trials.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8850
NPRM Comment Period End	05/05/87	52 FR 12431
Final Action	05/22/87	52 FR 19466
Final Action Effective	06/22/87	52 FR 19466

Small Entity: No

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905-AC62

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

729. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE AND/OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4; 42 USC 295g-4(a)

CFR Citation: 42 CFR 57, Subpart FF

Legal Deadline: None.

Abstract: These regulations propose to amend the existing regulations for residency training in general internal medicine and general pediatrics and to implement section 784 (a)(3) and (4) to plan, develop, and operate a program and provide financial assistance to physicians who plan to teach in general internal medicine and general pediatrics. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Public Health Service, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AB50

730. GENERAL REVIEW AND REVISION OF PUBLIC LAW 93-638 PROGRAM AND CONTRACTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 40 et seq

CFR Citation: 41 CFR 3 to 4; 42 CFR 36, Subpart H and I

Legal Deadline: None.

Abstract: The Indian Self-Determination Act, Public Law 93-638 Regulations published November 1975 need to be revised and updated in light of 10 years of experience. Some provisions are now obsolete and others may impose unnecessary burden, restrictions, and require clarification. The proposed revision in effect would streamline the contract process, delete obsolete provisions, reduce unnecessary paperwork, strengthen accountability requirements and provide opportunities to strengthen autonomy and provide greater flexibility to Public Law 93-638 contractors.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: Undetermined

Agency Contact: Richard J. McCloskey, Chief, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, **301 443-1116**

RIN: 0905-AB98

731. CHANGES IN PUBLIC LAW 93-638. REGULATIONS TO REVISE THE DECLINATION APPEALS PROCESS AND CLARIFY ITS SCOPE

Legal Authority: 25 USC 13; 42 USC 2001 et seq; 25 USC 450 et seq

CFR Citation: 42 CFR 36

Legal Deadline: None.

Abstract: Absence of a clear distribution between budget allocation and declination issues in the regulations has caused confusion for tribal organization. This proposed regulation will establish a method for tribes to seek a review of budget allocation decisions outside of the Indian Self Determination Act declination appeals procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Undetermined

Additional Information: This is a proposed coordinated effort between Indian Health Service and the Bureau of Indian Affairs to make changes in Public Law 93-638 regulations to revise the process and provide a criterion for declination appeals.

Agency Contact: Les Morris, Senior Analyst, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, **301 443-1116**

RIN: 0905-AB99

732. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None.

Abstract: This rule proposes to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before being published as final regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human

Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC28

733. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Legal Deadline: None.

Abstract: These proposed regulations would implement the provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) and add debt management provisions of the Debt Collection Act of 1982 (Pub. L. 97-365). The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	01/30/88	

Small Entity: No

Agency Contact: Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC30

734. GRANTS FOR HEALTH PROFESSIONS PROJECTS IN GERIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57, Subpart 00 (Proposed)

Legal Deadline: None.

Abstract: These proposed regulations would implement provisions for 788 (d) of the Public Health Service Act relating to geriatric education of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	

Small Entity: No

Agency Contact: Thomas L. Louden, D.D.S., Director, Div. of Associated and Dental Health Professions, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6853**

RIN: 0905-AC33

735. POST-BACCALAUREATE FACULTY FELLOWSHIP PROGRAM

Legal Authority: 42 USC 216; 42 USC 297

CFR Citation: 42 CFR 57, Subpart BB (proposed)

Legal Deadline: None.

Abstract: These proposed regulations would implement section 830 (b) of the Public Health Service Act relating to post-baccalaureate fellowships for faculty to conform with the Nurse Education Amendments of 1985 (Pub. L. 99-92). The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	04/30/88	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC34

736. GRANTS FOR COMMUNITY HEALTH SERVICES CRITERIA AND PROCEDURE FOR DETERMINING MEDICALLY UNDERSERVED POPULATIONS (MUA)

Legal Authority: PL 99-280, Sec 2; 42 USC 254c(b)

CFR Citation: 42 CFR 51c102(e)

Legal Deadline: None.

Abstract: Section 330(b) of the Public Health Service Act was amended by section 2 of the Health Services Amendments Act of 1986 (P.L. 99-280). The amendment requires the secretary to publish, in regulation, criteria for the designation of areas or population groups with shortages of personnel health services. These designated areas are eligible for the award of grants for planning and operating Community Health Centers. The amendment requires that the Secretary consult with the Chief Executive Officer of a State and local officials in publishing MUA designation criteria and in designating or dedesignating MUA. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: James P. Purvis, Director, Office of Program and Policy, Development, Department of Health and Human Services, Health Resources and Services Administration, Office of Program and Policy Dev., BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AC35

737. HEALTH MANPOWER SHORTAGE AREA DESIGNATION CRITERIA

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None.

Abstract: This notice proposes an amendment to the existing regulations governing the criteria for Designation of Health Manpower Shortage Areas required by section 332 of the Public Health Act. This amendment would revise the definition for the term "internees" used in the criteria for designating those Federal and State institutions which have a shortage of primary medical care, dental care, or psychiatric manpower.

Timetable:

Action	Date	FR Cite
NPRM	10/30/87	

Small Entity: No

Agency Contact: Richard C. Lee, Chief, Distribution & Shortage Analysis Br., Office of Data Analysis & Management, BHPr, Department of Health and Human Services, Public Health Service, Room 8-57, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-6932**

RIN: 0905-AC50

738. IMPLEMENTATION OF HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986 (TITLE IV, PUBLIC LAW 99-660)

Legal Authority: 42 USC 11136; 42 USC 11137

CFR Citation: 45 CFR 60, (proposed)

Legal Deadline: None.

Abstract: This rule proposes to implement the Health Care Improvement Act of 1986, Title IV of Public Law 99-660, specifically related to section 426 for the disclosure and correction of information and section 427(b) for confidentiality of information.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Kenneth Moritsugu, M.D., Special Assistant to the Director, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-5796**

RIN: 0905-AC51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

739. INDIAN HEALTH SERVICE, 42 CFR PART 36 SUBPART I, CONTRACTS UNDER THE INDIAN SELF-DETERMINATION ACT: AMENDMENTS

Legal Authority: 25 USC 450G

CFR Citation: 42 CFR 36, Subpart I

Legal Deadline: None.

Abstract: This is a revision to implement a policy to charge interest and penalties on delinquent debts. This is in compliance with Department of the Treasury's guidelines pertaining to debt collection activities and the joint regulations issued on April 17, 1981, by the Attorney General and the Comptroller General and is consistent with the Debt Collection Act of 1982 (P.L. 97-365). This will require a change to the Department's Indian Health Service (IHS) P.L. 93-638 regulations to include a new contract/grant clause.

Timetable:

Action	Date	FR Cite
NPRM	11/04/86	51 FR 40108
NPRM Comment Period End	12/19/86	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Lloyd Fagg, Director, Div. Fiscal Services, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Pkln. Bldg. Rm. 16-05, Rockville, MD 20857, **301 443-6344**

RIN: 0905-AB31

740. GRANTS FOR NURSE ANESTHETIST TRAINEESHIPS

Legal Authority: 42 USC 216; 42 USC 297-1

CFR Citation: 42 CFR 57, Subpart F (Proposed)

Legal Deadline: None.

Abstract: These rules implement section 831 of the Public Health Service Act to make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Secretary of Education, of licensed registered nurses to be nurse anesthetists. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	12/16/86	51 FR 45000
NPRM Comment Period End	02/17/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Dr. Thomas P. Phillips, Chief, Advanced Nurse Training Res. Br., Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 5C-25, Rockville, MD 20857, **301 443-6333**

RIN: 0905-AB33

741. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY (HILL-BURTON)

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart F

Legal Deadline: None.

Abstract: As a condition of receiving construction assistance under Titles VI and XVI of the PHS Act, health care facilities are required to give assurance that they will make available in the facility constructed or modernized with that assistance, a reasonable volume of services to persons unable to pay. The existing regulations at 42 CFR Part 124, Subpart F establish detailed procedural requirements that facilities must follow in order to fulfill their obligations as recipients of this assistance. The proposed final regulations will retain the basic policies of the current rules but will provide increased flexibility to obligated facilities and reduce the administrative burden while protecting the interests of intended beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 31000
NPRM Comment Period End	10/28/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Roger McClung, Legislative Officer, Department of Health and Human Services, Health Resources and Services Administration, Office of Program Development, 5600 Fishers Lane, Room 9A-33, Rockville, MD 20857, **301 443-4273**

RIN: 0905-AB35

742. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out Sec. 741(c)(2) of the Public Health Service Act. Although the regulations will not be published until after the legal deadline, no requests for new deferments are expected until after publication.

Abstract: This rule amends existing regulations governing the Health Professions Student Loan (HPSL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39460
NPRM Comment Period End	12/29/86	
Final Action	01/15/88	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC06

743. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out clause (ii) of Sec. 731(a)(2)(B) of the Public Health Service Act. Although the regulations will not be published until after the legal deadline, no requests for new deferments are expected until after publica.

Abstract: This rule amends existing regulations governing the Health Education Assistance Loan (HEAL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39464
NPRM Comment Period End	12/29/86	
Final Action	01/15/88	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC07

744. NURSING SPECIAL PROJECT GRANTS

Legal Authority: 42 USC 216; 42 USC 296k

CFR Citation: 42 CFR 57, Subpart T

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. P.L. 99-92 adds three new purposes to the nursing Special Projects Program and specific appropriation authority for demonstrations. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21490
NPRM Comment Period End	08/04/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC18

745. AREA HEALTH EDUCATION CENTERS (AHEC)

Legal Authority: 42 USC 216; 42 USC 295g-1

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None.

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AC22

746. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-92)

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None.

Abstract: These regulations propose to implement provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) which require public comment before being published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21486
NPRM Comment Period End	07/20/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, 0906, Department of Health and Human Services, Public Health Service, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC31

747. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-129)

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

HHS—PHS—HRSA

Final Rule Stage

Legal Deadline: None.

Abstract: These regulations propose to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before they can be published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20989
NPRM Comment Period End	07/20/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48,Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC32

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

748. PROGRAM GRANTS FOR MIGRANT HEALTH SERVICES

CFR Citation: 42 CFR 56

Completed:

Reason	Date	FR Cite
Withdrawn Issues to be addressed in General Notices for comment.	07/23/87	

Small Entity: No

Agency Contact: James P. Purvis 301 443-2380

RIN: 0905-AA62

749. INDIAN ELIGIBILITY

Significance: Regulatory Program

CFR Citation: 42 CFR 36, Subparts A, B & C

Completed:

Reason	Date	FR Cite
Final Action	09/16/87	52 FR 35044

Small Entity: Not Applicable

Agency Contact: Richard J. McCloskey 301 443-1116

RIN: 0905-AB89

750. GRANTS FOR COMMUNITY HEALTH CENTERS

CFR Citation: 42 CFR 51c

Completed:

Reason	Date	FR Cite
Withdrawn Issues to be addressed in General Notices for comment.	07/23/87	

Small Entity: No

Agency Contact: James P. Purvis 301 443-2380

RIN: 0905-AC01

751. NURSING STUDENT LOAN (NSL) PROGRAM: PROVISIONS OF THE LAW (PUB. L. 99-92)

Significance: Agency Priority

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	03/30/87	52 FR 10194
Final Action Effective	03/30/87	52 FR 10194

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC10

752. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY PROGRAMS

CFR Citation: 42 CFR 57, Subpart Y

Completed:

Reason	Date	FR Cite
Final Action	07/21/87	52 FR 27340
Final Action Effective	07/21/87	52 FR 27340

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A. 301 443-5786

RIN: 0905-AC11

753. GRANTS FOR GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

CFR Citation: 42 CFR 58, Subpart A

Completed:

Reason	Date	FR Cite
Final Action	06/18/87	52 FR 23179
Final Action Effective	06/18/87	52 FR 23179

Small Entity: No

Agency Contact: William S. Brooks, D.P.A. 301 443-6757

RIN: 0905-AC12

754. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: PROVISIONS OF THE LAW (PUB.L. 99-129)

Significance: Agency Priority

CFR Citation: 42 CFR 57, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	06/03/87	52 FR 20986
Final Action Effective	06/03/87	52 FR 20986

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC13

755. PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS

Significance: Agency Priority

CFR Citation: 42 CFR 57, Subpart I

Completed:

Reason	Date	FR Cite
Final Action	06/29/87	52 FR 24158
Final Action Effective	06/29/87	52 FR 24158

Small Entity: No

Agency Contact: Donald L. Weaver, M.D. 301 443-6190

RIN: 0905-AC15

HHS—PHS—HRSA

Completed Actions

756. ADVANCED NURSE EDUCATION PROGRAMS

CFR Citation: 42 CFR 57, Subpart Z

Completed:

Reason	Date	FR Cite
Final Action Correction Notice, published 7/30/87, 52 FR 28511	07/21/87	52 FR 27345
Final Action Effective	07/21/87	52 FR 27345

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A. 301 443-5786

RIN: 0905-AC16

757. FINANCIAL ASSISTANCE FOR DISADVANTAGED HEALTH PROFESSIONS STUDENTS

Significance: Regulatory Program

CFR Citation: 42 CFR 57, Subpart DD

Completed:

Reason	Date	FR Cite
Final Action	05/18/87	52 FR 18672
Final Action Effective	05/18/87	52 FR 18672

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC19

758. GRANTS FOR RESIDENCY TRAINING AND ADVANCED EDUCATION IN THE GENERAL PRACTICE OF DENTISTRY

CFR Citation: 42 CFR 57, Subpart L

Completed:

Reason	Date	FR Cite
Final Action Correction Notice Published 07/10/87, 52 FR 26122	05/21/87	52 FR 19144
Final Action Effective	05/21/87	52 FR 19144

Small Entity: No

Agency Contact: Richard Weaver, D.D.S. 301 443-6837

RIN: 0905-AC20

759. NURSING STUDENT LOAN (NSL) PROGRAM: DEFINE EXCEPTIONAL FINANCIAL NEED

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	05/21/87	52 FR 19142
Final Action Effective	05/21/87	52 FR 19142

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC29

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—National Institutes of Health (NIH)

Proposed Rule Stage

760. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 289b

CFR Citation: 42 CFR 50

Legal Deadline: None.

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Section 493 of the PHS Act requires that the HHS Secretary issue regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: George J. Galasso, Ph.D., Associate Director for Extramural Affairs, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm. 111, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-5356

RIN: 0905-AB91

761. CHANGES IN NIH PROGRAM REGULATIONS DUE TO P.L. 99-158, P.L. 99-149, AND TITLE X OF P.L. 99-660

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209; PL 99-660, Title X

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None.

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158), the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499), and the provisions of Title X of P.L. 99-660 concerning Alzheimer's Disease and Related Dementias Research.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B03, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AC02

HHS—PHS—NIH — Proposed Rule Stage

762. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2

CFR Citation: 42 CFR 52a

Legal Deadline: None.

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Not Applicable

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, **301 496-4606**

RIN: 0905-AC27

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage
Public Health Service (PHS)—National Institutes of Health (NIH)

763. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None.

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be revised to reflect authority in section 405, PHS Act. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	01/00/88	

Small Entity: No

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, **301 496-6491**

RIN: 0905-AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Prerule Stage
Health Care Financing Administration (HCFA)

764. ● DISCONTINUATION OF PREVAILING CHARGE DIFFERENTIALS FOR SPECIALISTS

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504(b)

Legal Deadline: None.

Abstract: This notice requests comments on our intent to make a change to the regulations that govern determinations of the reasonable charges that Medicare pays for physician services. We intend to discontinue establishing separate prevailing charge screens for physicians' services based on specialty practice, with the possible exception of specified medical visits and consultations.

Timetable:

Action	Date	FR Cite
Notice of Intent	12/00/87	

Small Entity: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 597-1334**

RIN: 0938-AD26

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Health Care Financing Administration (HCFA)

765. AMENDING COST REPORTS AND REOPENING INTERMEDIARY PAYMENT DETERMINATIONS AND ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803(b); 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837(b); 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889

Legal Deadline: None.

Abstract: This proposal would establish rules to govern and distinguish between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AA33

766. SURVEY AND CERTIFICATION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395bb; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 442; 42 CFR 488

Legal Deadline: None.

Abstract: This proposed rule would implement recommendations made by the National Academy of Sciences' Institute of Medicine with which HCFA contracted to study the regulation on nursing homes. In addition to proposed improvements in the survey and certification of facilities furnishing long-term care under Medicare and Medicaid, we propose to consolidate all survey and certification requirements into one Part to streamline and simplify requirements which apply to all providers, suppliers and practitioners under Medicare and Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	47 FR 23404
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: James Conrad, Chief, Survey Management Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, **301 594-5014**

RIN: 0938-AA38

767. MEDICAID ELIGIBILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This regulation would conform the current regulations to changes with respect to Medicaid eligibility groups and coverage criteria made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Most of these changes affect the provisions of September 30, 1981 regulations concerning Medicaid eligibility for the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations and make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program (for example, clarification of policy on establishing the medically needy income level for one person).

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AA58

768. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

Legal Authority: 42 USC 1302; 42 USC 1396b

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Legal Deadline: None.

Abstract: This rule would change the definition of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Guy Harriman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Procedures, G-C-7 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, **301 594-4880**

RIN: 0938-AA63

769. MISCELLANEOUS MEDICARE AND MEDICAID AMENDMENTS

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 410; 42 CFR 416; 42 CFR 421; 42 CFR 441; 42 CFR 489

Legal Deadline: None.

Abstract: These rules amend existing Medicare and Medicaid regulations to conform them to statutory and policy changes that have occurred since those regulations were last published. The pertinent statutory changes are primarily those contained in the Omnibus Reconciliation Act of 1980 (P.L. 96-499). The Appropriations Act had to do with use of Federal funds for abortions which is no longer in this package. As revised, this is a non-sequitur. There is no antecedent for this reference to the Appropriations Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Luisa Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, BERC Regulations Staff, Rm. 4230 North, 300 Independence Ave., SW, Washington, DC 20201, **202 245-0383**

RIN: 0938-AB05

770. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None.

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AB07

771. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(4); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7)

CFR Citation: 42 CFR 405.439; 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.511; 42 CFR 405.516; 42 CFR 405.1672; 42 CFR 405.1675; 42 CFR 405.1684; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321; 42 CFR 447.342

Legal Deadline: None.

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, and 99-509 relating to payment and "assignment" for diagnostic laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment or exceptions to the fee schedules. In accordance with the statute, the regulations would provide that on January 1, 1990 and thereafter, fees will be determined on a nationwide basis.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AB50

772. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1903(m); 42 USC 1302

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None.

Abstract: This proposal would revise current Medicaid rules to expand the waiver authority of the Secretary to permit certain health maintenance organizations (HMOs) meeting certain requirements, to exceed the composition of enrollment limit to allow certain organizations to contract on a risk basis, to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement of Medicaid, and give a State the option of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations with authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AB54

773. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(26); 42 USC 1396a(a)(30)(B); 42 USC 1396a(a)(31); 42 USC 1396a(a)(44); 42 USC 1396b(g)

CFR Citation: 42 CFR 440; 42 CFR 441; 42 CFR 456

Legal Deadline: None.

Abstract: These rules would implement Sections 2363 and 2368 of the Deficit Reduction Act of 1984. The rules would make the requirements for physician certification and development of a plan of care (formerly utilization control requirements) State plan requirements. States would no longer be required to make the quarterly showings of compliance for those requirements or for utilization review. A quarterly demonstration to the Secretary of a satisfactory utilization control program would be limited to inspections of care in participating mental hospitals, skilled nursing facilities and intermediate care facilities, including intermediate care facilities for the mentally retarded.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Thomas E. Hoyer, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Services & Coverage Pol., Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB55

774. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(C)(3)(A)(ii); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417

Legal Deadline: None.

Abstract: These regulations would implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold coordinated open enrollment periods in geographic areas that encompass two or more organizations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Stanley Katz, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938-AB57

775. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT AND ENTITLEMENT

Legal Authority: 42 USC 426; 42 USC 426-1; 42 USC 426a; 42 USC 1395c; 42 USC 1395i-2; 42 USC 1395p; 42 USC 1395q; 42 USC 1395r; 42 USC 1395v; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 407

Legal Deadline: None.

Abstract: This regulation would revise the Medicare rules that deal with hospital insurance entitlement and with supplementary medical insurance (SMI) enrollment and entitlement, as required by amendments to the Social Security Act. It would also revise Medicaid rules that deal with State buy-in agreements, under which States secure SMI benefits for certain Medicaid-eligible individuals, by paying their SMI premiums.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AB60

776. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395u; 42 USC 1395x; 42 USC 1395xx

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None.

Abstract: These regulations would implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching provider and services furnished to the provider, as well as the method of reimbursement for these services. This proposed rule sets forth the conditions under which physicians in teaching settings would be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule would also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AB61

777. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B); PL 99-272, Secs 9110 and 9509

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 447.250; 42 CFR 447.253

Legal Deadline: None.

Abstract: This proposed rule would propose changes to the regulations to implement section 2314 of Pub.L. 98-369 and section 9110 and 9509 of Pub.L. 99-272. This rule would impose new limitations on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes would affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program. These changes are intended to promote economy in the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AB64

778. REVIEW OF CURRENT RULES AFFECTING CLINICAL LABORATORIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27

Legal Deadline: None.

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. The result is that many laboratories may be required to submit to surveys by more than one authority and be adjudged in compliance with different standards. Inconsistent standards create confusion regarding necessary credentials and performance levels. This proposed rule would identify common standards and propose other revisions to rules aimed at reducing direct and indirect costs of clinical laboratories and at increasing quality of output.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87*	

*Taken from the Regulatory Program of the United States Government 1987–1988 which projected final action in October 1987.

Small Entity: Undetermined

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, **301 594-5547**

RIN: 0938–AB96

779. MEDICARE SECONDARY PAYOR AND MEDICARE RECOVERY AGAINST THIRD PARTIES

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Legal Deadline: None.

Abstract: This proposed rule would revise regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. The proposal would also clarify rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. And, it would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 474 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-4978**

RIN: 0938–AC05

780. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11)

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b), (c); 42 CFR 405.310(e), (k)

Legal Deadline: None.

Abstract: This proposed rule would implement section 2323 of P.L. 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The proposed rule would solicit public comments on our definition of those individuals who are at high or intermediate risk of contracting hepatitis B. The proposal would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: James Hannon, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1734**

RIN: 0938–AC07

781. CHANGES IN PAYMENT POLICY FOR DIRECT GRADUATE MEDICAL EDUCATION COSTS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 9202; PL 99-509, Sec 9314

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85; 42 CFR 413.86

Legal Deadline: None.

Abstract: This rule sets forth proposed changes in Medicare Policy concerning payment for direct graduate medical education costs of providers associated with approved residency programs. These changes are necessary in order to implement section 1886(h) of the Social Security Act which was added by section 9314 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended by section 9314 of the Omnibus Budget Reconciliation Act of 1986. The changes in this rule are effective for cost reporting periods beginning on or after July 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Agency Contact: Linda Magno, Director, Div. of Hospital Payment Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9343**

RIN: 0938–AC27

782. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a); 42 USC 1302

CFR Citation: 42 CFR 435.541; 42 CFR 435.911; 42 CFR 436.541

Legal Deadline: None.

Abstract: These proposed regulations would make explicit in the regulations HCFA's policy on the relationship between State Medicaid eligibility determinations based on disability and disability determinations by SSA under the Supplemental Security Income Program. The regulations would incorporate the conditions under which the State agency must make independent determinations of disability and the effect of only SSA determination on Medicaid eligibility. The proposed regulations would also conform the Medicaid provisions on composition of medical review teams, required information, and the time limit for making determinations more closely to those used by SSA in making SSI determinations. Because of numerous questions raised and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Joyce Stokes, Branch Chief, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 436 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-3870**

RIN: 0938-AC31

783. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Legal Deadline: None.

Abstract: This proposed rule would amend and clarify the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule would amend and clarify the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6403**

RIN: 0938-AC40

784. PROPOSED ADDITIONS TO AND DELETIONS FROM CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(1)

CFR Citation: 42 CFR 416.65

Legal Deadline: None.

Abstract: This notice announces proposed additions to and deletions from the current list of surgical procedures for which facility services are covered when the procedures are performed in an ambulatory surgical center (ASC).

Timetable:

Action	Date	FR Cite
Proposed Notice	08/11/87	52 FR 29729
Final Notice	00/00/00	

Proposed Notice
Comment Period ends 10/13/87

Small Entity: No

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938-AC45

785. USE OF THE HCFA HOSPITAL WAGE INDEX FOR DETERMINING PAYMENT TO HOSPICES

Legal Authority: 42 USC 1395f(i)

CFR Citation: 42 CFR 418.306(c)

Legal Deadline: None.

Abstract: This notice would replace the current wage index used to determine payment for hospice care furnished to Medicare beneficiaries with the HCFA survey-based hospital wage index.

Timetable:

Action	Date	FR Cite
Proposed Notice	11/00/87	

Small Entity: No

Agency Contact: Anthony Lovecchio, Director, Div. of Alternative Reimbursement Systems, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-4011**

RIN: 0938-AC49

786. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(c); 42 USC 1396o(a)(2)(E); 42 USC 1396o(b)(2)(E); 42 USC 1396(g); PL 97-248; PL 99-509; PL 99-514

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 436.218; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441, Subpart I; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None.

Abstract: These regulations would implement 3 provisions of P.L. 99-272: (1) Under 9505, Medicaid coverage of hospice care at State option. The regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) Under 9508, Medicaid coverage of case management services at State option, furnished to specific Medicaid groups or geographic areas within a State; (3) Under 9123, indefinite extension of the Medicare hospice benefit, which was scheduled to end on 09/30/86. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and

hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AC52

787. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396n(c)

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.185; 42 CFR 440.250

Legal Deadline: None.

Abstract: This rule would revise the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this proposal would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Pol., Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AC55

788. REIMBURSEMENT FOR PHYSICIAN'S OUTPATIENT MAINTENANCE DIALYSIS SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 1395(b); 42 USC 1395(k); 42 USC 1395u(b),(h); 42 USC 1395x(b); 42 USC 1395y(a)(14); 42 USC 1395cc(a)

CFR Citation: 42 CFR 405.439(c)(5); 42 CFR 405.502(f)(1); 42 CFR 405.542(a) to (c)

Legal Deadline: None.

Abstract: This proposal is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of reimbursement for physician's dialysis services. We also are proposing to clarify and modify some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services reimbursable under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Additional Information: ADDITIONAL LEGAL CITE: 42 USC 1395rr(b)(3)

Agency Contact: Robert Niemann, Program Analyst, Reimbursement Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-1810**

RIN: 0938-AC57

789. PARTICIPATION IN CHAMPUS AND CHAMPVA HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.53; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; 42 CFR 1003.105; 42 CFR 1003.106; 42 CFR 1003.109; 42 CFR 1003.114; 42 CFR 489.26; 42 CFR 489.27; 42 CFR 489.56

Legal Deadline: None.

Abstract: This proposed rule would implement sections 9121 and 9122 of PL 99-272. Specifically, under section 9121, Medicare participating hospitals with emergency departments would be required to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Hospitals failing to meet those requirements may have their Medicare provider agreements suspended or terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals would be required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations would also implement section 233 of PL 99-576, which requires Medicare hospitals to admit veterans. They would also implement section 9305(b)(1) of PL 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AC58

790. PAYMENT FOR KIDNEYS SENT TO FOREIGN COUNTRIES OR TRANSPLANTED IN NON-MEDICARE BENEFICIARIES

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 413.179

Legal Deadline: None.

Abstract: These proposed regulations would exclude the costs associated with kidneys sent to foreign countries or transplanted in non-Medicare recipients from Medicare payments made to organ procurement agencies. The regulations would also require Medicare intermediaries to monitor all kidneys sent to foreign transplant centers to ensure that foreign countries

pay no more than the standard acquisition costs plus the cost of transporting the kidneys.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Mark Horney, Program Analyst, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 ELR, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-6939**

RIN: 0938-AC59

791. REASONABLE CHARGE PAYMENT LIMITS FOR ENTERAL PRODUCTS AND SUPPLIES

Significance: Agency Priority

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(8)

CFR Citation: 42 CFR 405.502

Legal Deadline: None.

Abstract: In this notice, we propose to establish special reasonable charge payment limits for enteral nutrients, supplies and equipment. This proposal is intended to prevent excessive Medicare payments for these products.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Sharon Harris, Director, Division of Operational Initiatives, Department of Health and Human Services, Health Care Financing Administration, 340 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-9474**

RIN: 0938-AC67

792. REVISIONS TO MEDICARE APPEALS RIGHTS

Legal Authority: 42 USC 1302; 42 USC 1395ff; 42 USC 1395hh; 42 USC 1395 et seq; 42 USC 405

CFR Citation: 42 CFR 405.701; 42 CFR 405.708; 42 CFR 405.716; 42 CFR 405.717; 42 CFR 405.718a through d; 42 CFR 405.719; 42 CFR 405.720; 42 CFR 405.722; 42 CFR 405.724; 42 CFR 405.730; 42 CFR 405.801; 42 CFR 426; 42 CFR 405.702

Legal Deadline: None.

Abstract: The proposed rule would revise current Medicare regulations to provide a beneficiary dissatisfied with a carrier hearing decision on an issue pertaining to payment of Part B benefits a right to a hearing before an administrative law judge if the amount in controversy is $500 or more. If the party is dissatisfied with the administrative law judge's decision, he may seek judicial review if the amount is $1000 or more. This rule would create a new Part 426 that would establish procedures for Medicare hearings and Appeals Board Review.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Morton Marcus, Program Analyst, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 349 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-3700**

RIN: 0938-AC81

793. MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1396a(f); 42 USC 1396a(1); 42 USC 1396d(q); 42 USC 1382h; 42 USC 1382h note; 42 USC 1396a note

CFR Citation: 42 CFR 435.120; 42 CFR 435.121; 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832

Legal Deadline: None.

Abstract: This proposed rule would amend the Medicaid regulations to specify for Medicaid, mandatory categorically needy eligibility for individuals who, although severely impaired, work and demonstrate ability to perform substantial gainful activity and who are considered to be Supplemental Security Income (SSI) beneficiaries by virtue of 1619 of the Act. It also specifies how stated electing the option under Section 1902 to provide Medicaid under criteria more restrictive than SSI, will treat the "1619" individuals. It also would specify how SSI payments made to certain institutionalized individuals are to be disregarded as income under Medicaid for up to two months. The amendments would conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1986 and the Employment Opportunities for Disabled Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-6529**

RIN: 0938-AC82

794. REFUNDING OF FEDERAL SHARE OF OVERPAYMENTS MADE TO MEDICAID PROVIDERS

Legal Authority: 42 USC 1396b(d)

CFR Citation: 42 CFR 433.32 to 35; 42 CFR 433.112; 42 CFR 433.116; 42 CFR 433.300 to 322

Legal Deadline: None.

Abstract: These regulations specify the requirements and procedures under which States are allowed 60 days following the date of discovery of an overpayment to a Medicaid provider to recover or attempt to recover the overpayment before the Federal share must be credited to HCFA. The Federal Government will share in any overpayments that the State documents it is unable to recover because the debts of the provider have been discharged in bankruptcy or the provider is out-of-business. The regulations, which implement section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1986, are intended to aid in recovering improperly spent Federal funds expeditiously.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: David Greenberg, Program Analyst, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Room 300 Meadows

East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-6229**

RIN: 0938-AC83

795. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE, REVIEW OF BENEFICIARY COMPLAINTS

Significance: Regulatory Program

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); PL 99-272, Sec 9403; PL 99-509, Sec 9453(c)

CFR Citation: 42 CFR 462.105; 42 CFR 466.70; 42 CFR 466.74; 42 CFR 466.83; 42 CFR 466.88; 42 CFR 466.93; 42 CFR 466.94; 42 CFR 466.98; 42 CFR 466.100; 42 CFR 466.106; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 476.133; 42 CFR 489.21; ...

Legal Deadline: Statutory, April 7, 1986.

Abstract: The purpose of this proposed rule is to implement section 9403 of PL 99-272 and 9453(c) of PL 99-509. Under section 9403 of PL 99-272, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. The PRO determinations to deny Medicare payment for these services would be made on the basis of criteria that are consistent with guidelines established by the Secretary. Under section 9453(c) of PL 99-509, PROs would conduct an appropriate review of all written complaints from beneficiaries or their representatives about the quality of services not meeting professionally recognized standards of health care.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-7909**

RIN: 0938-AC84

796. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1302; 42 USC 1395cc; 42 USC 1393ff(c); 42 USC 1395hh; 42 USC 1396i

CFR Citation: 42 CFR 405.1505; 42 CFR 405.1902; 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 489.13

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare and Medicaid rules to provide for a 60-day conditional certification period for facilities seeking participation in the Medicare and Medicaid program to apply uniform effective rules to all Medicare or Medicaid providers, including Medicare Suppliers, and Medicaid only hospitals and home health agencies; and to specify that effective date decisions are precluded from Medicare reconsiderations and hearings.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Peter Burdette, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-3222**

RIN: 0938-AC88

797. RECOGNITION OF COLLEGE OF AMERICAN PATHOLOGISTS LABORATORY ACCREDITATION PROGRAM

Legal Authority: 42 USC 1395bb

CFR Citation: 42 CFR 482.27; 42 CFR 405.1310ff

Legal Deadline: None.

Abstract: This notice proposes that the Health Care Financing Administration recognize the accreditation program of the College of American Pathologists for clinical laboratories participating in the Medicare program. As a result of HCFA's recognition, these laboratories would not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. They would be "deemed" to meet the Medicare Conditions of Participation for Hospital-Based Laboratories (42 CFR 482.27) or independent laboratories (42 CFR 405.1310ff).

Timetable:

Action	Date	FR Cite
Final Notice	00/00/00	
Proposed Notice	00/00/00	

Small Entity: No

Agency Contact: Mike Goldman, Chief, Laboratory and Ambulatory Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Boulevard, Baltimore, MD 21207, **301 594-9737**

RIN: 0938-AC89

798. PRO PREPROCEDURE REVIEW OF CERTAIN SURGICAL PROCEDURES

Legal Authority: 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 466.110

Legal Deadline: None.

Abstract: This proposed rule would implement section 9401 of Pub.L. 97-272, which provides that, under Medicare, a physician must request from the Professional Review Organization (PRO) preadmission review for certain inpatient elective surgical procedures and preprocedure review for certain outpatient elective procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third physician.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-7909**

RIN: 0938-AC90

799. PART B PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/88

Legal Authority: 42 USC 1395r

CFR Citation: 42 CFR 405.902

Legal Deadline: Statutory, October 1, 1987. Must be published by 10/01/87.

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1988. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1988.

Timetable:

Action	Date	FR Cite
Notice	09/30/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-2829**

RIN: 0938-AC92

800. INPATIENT HOSPITAL DEDUCTIBLE AND COINSURANCE AMOUNTS AND PART A PREMIUM FOR THE UNINSURED AGED FOR 1988

Legal Authority: 42 USC 1395e; 42 USC 1395i to 2(d)(2)

CFR Citation: 00 CFR None

Legal Deadline: Statutory, September 15, 1987. Must be published by 09/15/87.

Abstract: This notice announces the inpatient hospital deductible and coinsurance amounts and the monthly hospital insurance premium for the uninsured aged for calender year 1988 under Medicare's hospital insurance program. The Medicare statute specifies the formulae to be used to determine these amounts.

Timetable:

Action	Date	FR Cite
Notice	09/15/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-2829**

RIN: 0938-AC94

801. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1395(x)(u); 42 USC 1395(x)(v)

CFR Citation: 42 CFR 413.56

Legal Deadline: None.

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entity: Undetermined

Agency Contact: Paul Trimble, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-8640**

RIN: 0938-AC97

802. CHANGES CONCERNING DETERMINATION OF ALLOWABLE INTEREST EXPENSE AND SUSPENSION OF PAYMENTS

Legal Authority: 42 USC 1320b to 4; 42 USC 1395(g); 42 USC 1395(u); 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.153; 42 CFR 405.370(b)

Legal Deadline: None.

Abstract: This rule proposes changes to the Medicare regulations to provide for the following: (1) elimination of the requirement that investment income of both nonprofit and proprietary hospitals from gifts, grants, and endowments be held separately and that if not held separately, it be offset against allowable interest expenses; (2) extension of the list of exceptions to the interest expense reduction provision; and (3) elimination of the requirement that prior to suspension of payment, carriers or intermediaries make determinations that suspension of payments to providers is needed to protect the program against financial loss. This proposed rule is intended to conform the regulations with the law, to provide necessary clarification, and to promote economy and efficiency in the Administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AC99

803. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 413.24

Legal Deadline: None.

Abstract: This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AD01

804. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d)

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AD02

805. CRITERIA AND PROCEDURES FOR MEDICAL SERVICES COVERAGE DECISIONS

Legal Authority: 42 USC 1395y

CFR Citation: 42 CFR 405.310; 42 CFR 405.407; 42 CFR 405.408

Legal Deadline: None.

Abstract: The proposed rule would establish in regulations generally applicable standards and procedures for HCFA determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this proposed rule is to assure that Federal funds are expended only for medical services that are appropriate to meet an individual's medical needs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Bart McCann, M.D., Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9370**

RIN: 0938-AD07

806. MEDICARE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(s)(2)(J); 42 USC 1302

CFR Citation: 42 CFR 405.231; 42 CFR 405.232; 42 CFR 410.64; 42 CFR 410.29

Legal Deadline: None.

Abstract: This proposed rule would implement section 9335(c) of Pub.L. 99-509 which authorizes Medicare coverage of immunosuppressive drugs for a period of 1-year following a Medicare-covered organ transplant. Current regulations reflect the statutory exclusion from Medicare, Part B coverage, of drugs or biologicals that can be self-administered. The regulations should be amended to reflect the new statutory requirement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: James Hannon, Chief, Physician & Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1734**

RIN: 0938-AD09

807. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES AND SUPPLIERS OF ESRD SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.1312; 42 CFR 405.2171; 42 CFR 482.21; 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 482.27; 42 CFR 482.43

Legal Deadline: None.

Abstract: These revisions would (a) require hospitals to provide a discharge planning process; and (b) allow a laboratory director to meet State standards for qualifications, rather than federal, if they differ. These revisions would conform our regulations with requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AD11

808. CONDITIONS OF PARTICIPATION FOR LONG TERM CARE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(j); 42 USC 1396a(a)(28); 42 USC 1396d(c); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405, Subpart K; 42 CFR 442.1; 42 CFR 442.30; 42 CFR 442.100; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442, Subparts D to F; 42 CFR 483

Legal Deadline: None.

Abstract: These conditions would replace the existing separate conditions for SNFs participating in the Medicare program, and SNFs and ICFs participating in the Medicaid program. Although some essential distinctions imposed by the statute remain, these new conditions reflect common needs in SNFs and ICFs. The purpose of these revisions is to focus on actual facility performance in meeting residents' needs in a safe and healthful environment, rather than on the capacity of a facility to provide appropriate services. The result of this change in focus will be to enforce requirements from the perspective of quality of care and life for long term care patients, not only under Medicare and Medicaid, but generally since most of these requirements pertain to all patients of a SNF or ICF. These

revisions are also expected to simplify Federal enforcement by using a single set of conditions, which apply to activities common to all facilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	05/00/88	

Small Entity: Yes

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938-AD12

809. RECOGNITION OF JOINT COMMISSION FOR ACCREDITATION OF HOSPITALS' HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Significance: Agency Priority

Legal Authority: 42 USC 1395bb(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Under this proposed notice, hospital-based home health agencies accredited by the Joint Commission for Accreditation of Hospitals and home health agencies accredited by the National League for Nursing would be considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies would not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of the home health agency's deemed status, a State also could choose to permit the agency to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	10/00/87	

Small Entity: No

Agency Contact: Anita Heygster, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 429 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9825**

RIN: 0938-AD13

810. EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; PL 99-509, Sec 9312(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417.413; 42 CFR 417.432; 42 CFR 417.436; 42 CFR 417.444; 42 CFR 417.446; 42 CFR 417.448; 42 CFR 417.494(b)

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; expand required information and require annual notice of HMO/CMP enrollees rights; and a provision to terminate a contract for noncompliance pertaining to restrictions on waivers of 50 percent for Medicare enrollment. These revisions would implement provisions of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Agency Contact: Joan Mahanes, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-8046**

RIN: 0938-AD14

811. ELIGIBILITY OF ALIENS GRANTED AMNESTY UNDER THE IMMIGRATION REFORM AND CONTROL ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 436.128; 42 CFR 436.406; 42 CFR 436.408; 42 CFR 436.2; 42 CFR 440.255; 42 CFR 435.139; 42 CFR 435.406; 42 CFR 435.408; 42 CFR 435.1; 42 CFR 435.3

Legal Deadline: None.

Abstract: This proposed rule would revise Medicaid regulations for aliens lawfully admitted for permanent residence or permanently residing in the United States under the color of law. It would add to the regulations a new group of aliens now eligible for full Medicaid services and identify others eligible for only emergency services and pregnancy related services.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Marinos T. Svolos, Director, Division of Medicaid Eligibiltiy Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9051**

RIN: 0938-AD15

812. MEDICAID: ELIGIBILITY GROUPS EXTENDED COVERAGE OF SERVICES, AND CONDITIONS OF ELIGIBILITY: COBRA AND TEFRA

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396d(a); 42 USC 1396k(a); 42 USC 1396s; 42 USC 1383c; 42 USC 673; 42 USC 675; 42 USC 672; 42 USC 1396a(a)(25)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This proposed rule would amend the Medicaid regulations to incorporate numerous mandatory eligibility groups for Medicaid coverage: pregnant women; children in adoption and foster care; certain disabled widows and widowers; and certain disabled children being cared for at home. The rule would also provide for extended care for pregnant women after termination of pregnancy and add a condition of eligibility relating to third party liability. The amendments would conform the regulations to provisions of the Consolidated Omnibus Reconciliation Act of 1985 and the Tax Equity and Fiscal Responsibility Act of 1982. States have been informed that these provisions of the statute are self-implementing. Manual instructions containing procedures for States to implement the requirements have been issued.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-6050**

RIN: 0938-AD16

813. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(b); 42 USC 1396a(f); 42 USC 1396a(b)(2); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396a(n); 42 USC 1396b(f); 42 USC 1396b(u); 42 USC 1396d(p); 42 USC 13964r-1

CFR Citation: 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None.

Abstract: This proposed rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509). P.L. 99-509 added optional eligibility groups of pregnant women and infants or or children and aged and disabled individuals with incomes under the Federal nonfarm poverty line, provided for optional Medicaid coverage of Medicare cost-sharing expenses for qualified Medicare beneficiaries with income under the Federal nonfarm poverty line; clarified eligibility of homeless individuals; and added provisions for a presumptive eligibility period for pregnant women who meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AD17

814. TRANSFER OF ASSETS

Legal Authority: 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: These regulations would implement section 132 of Pub.L. 97-248 to permit State Medicaid agencies, in determining an individual's eligibility for Medicaid, to include as a resource the uncompensated value of assets such as cash or property that the individual has transferred to someone else for less than fair market value within the 24 months preceding a Medicaid application.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AD18

815. ORGAN PROCUREMENT ORGANIZATIONS AND ORGAN PROCUREMENT PROTOCOLS

Significance: Regulatory Program

Legal Authority: 42 USC 1395hh; 42 USC 274; 42 USC 1302; 42 USC 273; 42 USC 1302b-8

CFR Citation: 42 CFR 485.308; 42 CFR 405.2102; 42 CFR 405.2163; 42 CFR 405.2171; 42 CFR 413.178; 42 CFR 441.10; 42 CFR 441.13; 42 CFR 482.12; 42 CFR 485.301; 42 CFR 485.302; 42 CFR 485.303; 42 CFR 485.304; 42 CFR 485.305; 42 CFR 485.306; 42 CFR 485.307; ...

Legal Deadline: Statutory, October 1, 1987. The statute applies to hospitals and OPAs, and to organs procured on or after october 1, 1987.

Abstract: The Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509) amends Title XI of the Social Security Act by inserting a new Section 1138, "Hospital Protocols for Organ Procurement and Standards for Organ Procurement Agencies (OPAs)." Section 1138(a) of the Act requires all hospitals participating in Medicare and Medicaid to have protocols for the identification of potential organ donors and requires all such hospitals which perform transplants to belong to the Network, discussed below. Section 1138(b) specifies that Medicaid or Medicare payments may not be made for organ procurement costs attributable to an OPA unless the OPA has been certified or recertified within the previous two years by the Secretary as conforming to the standards described in Section 371(b) of the PHS Act. A certified OPA must be a member of and abide by the rules of the Organ Procurement and Transplantation Network, must allocate organs according to medical criteria and Network policy, and must meet the performance standards prescribed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	07/31/87	52 FR 28666
NPRM Comment Period End	09/29/87	
Final Action	10/01/87	

Small Entity: No

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9690**

RIN: 0938-AD20

816. ● PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS

Legal Authority: 42 USC 1395x(s)

CFR Citation: 42 CFR 405.553

Legal Deadline: Statutory, January 1, 1989.

Abstract: Section 9320 of Pub. L. 99-509 provides for payment on a fee schedule basis for services of certified registered nurse anesthetists (CRNAs) furnished to Medicare beneficiaries on or after January 1, 1989. The payment amount would be equal to the lower of 80 percent of a fee schedule established by the Secretary (and adjusted annually by the change in the Medicare economic index) or 80 percent of the actual charge. CRNAs would be required to accept assignment for all Medicare services and civil monetary penalties could be imposed for violations of this requirement. Alternatively, the hospital or physician could bill for and receive payment for services of CRNAs where an employment relationship or contract so stipulates. The hospital or physician could not bill more for CRNA services than the amount the CRNA could bill directly.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Yes

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Baltimore, MD. 21207, **301 597-1334**

RIN: 0938-AD25

817. ● DISCONTINUATION OF BAD DEBT PAYMENT FOR HOSPITALS SUBJECT TO THE PROSPECTIVE PAYMENT SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1395x(v); 42 USC 1395ww(d); 42 USC 1395ww(h)

CFR Citation: 42 CFR 412.2; 42 CFR 412.115; 42 CFR 413.80

Legal Deadline: None.

Abstract: Under this proposed rule we would revise the regulations that govern payments under the Medicare program for bad debts incurred by hospitals due to the failure of Medicare beneficiaries to pay deductible and coinsurance amounts with certain exceptions, we would no longer pay hospitals for bed debts related to costs covered by the prospective payment system for inpatient hospital services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 181 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9760**

RIN: 0938-AD27

818. ● WITHDRAWAL OF COVERAGE OF SINGLE PHOTON ABSORPTIOMETRY

Legal Authority: 42 USC 1395y

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage (including coverage under the End-Stage Renal Disease (ESRD) program) for single photon absorptiometry for measuring bone mineral density for either diagnostic or treatment purposes, and to continue noncoverage of dual photon absorptiometry.

Timetable:

Action	Date	FR Cite
Proposed Notice	02/00/88	

Small Entity: No

Agency Contact: Barton McCann, M.D., Chief, Special Coverage Issue Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 455 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9370**

RIN: 0938-AD28

819. ● HOME HEALTH AGENCIES AIDE TRAINING AND DISCHARGE PLANNING, AND CONFORMING CHANGES TO THE HOSPICE PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395x(m); 42 USC 1395x(dd); 42 USC 1395hh; 42 USC 1395x(o)

CFR Citation: 42 CFR 405.1202; 42 CFR 405.1223; 42 CFR 405.1227; 42 CFR 405.1228; 42 CFR 409.40; 42 CFR 418.94; 42 CFR 418.202

Legal Deadline: None.

Abstract: These regulations would establish home health aid training, supervision, and duty requirements applicable to all home health agencies that provide home health aide services under Part A or B of the Medicare program and would require that for the services of a home health aide to be covered by the Medicare program, the aide must have completed a training program that we approve. Conforming changes would be made to the hospice regulation with respect to hospice personnel that perform home health aide services. These regulations would also require that an HHA establish a discharge plan for its patients and include a discussion of that plan in a discharge summary that is provided to the patient's attending physician and the patient.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9446**

RIN: 0938-AD29

820. ● MODIFICATION OF CERTAIN REQUIREMENTS FOR HEALTH INSURING ORGANIZATIONS

Legal Authority: 42 USC 1302; 42 USC 1903(m)(2)(A); PL 99-272, Sec 9517(c); PL 99-514, Sec 1895(c)(4); PL 99-509, Sec 9435(e)

CFR Citation: 42 CFR 434.14; 42 CFR 434.20; 42 CFR 434.40; 42 CFR 434.42; 42 CFR 434.44

Legal Deadline: None.

Abstract: The proposed rule describes the conditions under which a Health Insuring Organization (HIO) is subject to Medicaid Health Maintenance Organization (HMO) regulations. It would require that an HIO which becomes operational on or after January 1, 1986 and arranges for the delivery of services to recipients be subject to HMO requirements. The regulations would specify that exemptions from certain HMO rules are permitted for HIOs which began operations on or after January 1, 1986 if the HIOs obtained a section 1915(b) waiver prior to that date, or if an HIO is otherwise identified in the law. The rule exemptions last only until the expiration of a section 1915(b) waiver.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverate Policy, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9690**

RIN: 0938-AD31

821. ● OCCUPATIONAL THERAPY PHYSICIAN ASSISTANTS

Legal Authority: 42 USC 1302; 42 USC 1395f; 42 USC 1395m; 42 USC 1395k; 42 USC 1395l; 42 USC 1395n; 42 USC 1395x(r); 42 USC 1395x(s); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395x; 42 USC 1395aa; 42 USC 1395cc

CFR Citation: 42 CFR 405.1634; 42 CFR 405.1701; 42 CFR 405.1702; 42 CFR 405.1716; 42 CFR 405.1717; 42 CFR 405.1718; 42 CFR 405.1722; 42 CFR 405.1731; 42 CFR 405.1732; 42 CFR 405.1733; 42 CFR 405.1737; 42 CFR 405.1738; 42 CFR 410.10; 42 CFR 410.64; 42 CFR 410.150

Legal Deadline: None.

Abstract: This proposed rule would implement sections 9337 and 9338 of Pub.L 99-509 which provides Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical therapy.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Sheridan Gladhill, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Rm. 403, EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9440**

RIN: 0938-AD32

822. ● PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395y(a)(14); 42 USC 1395CC(a)(1)(H); 42 USC 1395cc(g); 42 USC 1395hh

CFR Citation: 42 CFR 405.301; 42 CFR 409.3; 42 CFR 489.20; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.105

Legal Deadline: None.

Abstract: This proposed rule, issued jointly by HCFA and OIG, would prohibit Medicare payment for nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital would be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations would also authorize OIG to impose a civil money penalty, not to exceed $2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement. These regulations would implement sections 9343(c)(1), (c)(2), and (c)(3) of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Tom Hoyer, Director, Division of Provider Services and, Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9446**

RIN: 0938-AD33

823. ● PHYSICIAN LIABILITY ON NON-ASSIGNED CLAIMS

Legal Authority: PL 99-509, Sec 9332

CFR Citation: 42 CFR 405.359

Legal Deadline: None.

Abstract: This regulation would implement Section 9332(c) of the Omnibus Budget Reconciliation Act of 1986 under which nonparticipating physicians who provide on an unassigned basis services which are determined to be medically unnecessary may be required to refund to the beneficiary any amounts collected for such services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Elmer Smith, Director, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 400 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9632**

RIN: 0938-AD34

824. ● ALIEN ELIGIBILITY, IMMIGRATION STATUS VERIFICATION AND WAIVER PROCEDURES FOR AFDC STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS

Legal Authority: 42 USC 1320b-7; 42 USC 1302

CFR Citation: 42 CFR 433.15; 42 CFR 435.970; 42 CFR 435.972; 42 CFR 435.974; 42 CFR 435.976; 42 CFR 435.978; 42 CFR 435.980; 42 CFR 435.982; 42 CFR 435.1015; 42 CFR 435.4; 42 CFR 435.402; 42 CFR 435.900; 42 CFR 435.945; 42 CFR 435.948; 42 CFR 435.1010; ...

Legal Deadline: None.

Abstract: These regulations implement section 121 of the Immigration Reform and Control Act of 1986 (Pub. L. 99-603), which requires that State agencies verify the immigration status of aliens applying for, and receiving benefits under the Aid to Families with Dependent Children (AFDC) program, Adult Assistance program and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: David L. Landis, Director, Division of Performance, Evaluation, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Rm. 233 EHR, 6325 Security Blvd., **301 594-8000**

RIN: 0938-AD35

825. ● CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS

Legal Authority: 42 USC 1395y(a); 42 USC 1395x(s)(a); 42 USC 1320c-2(b)(2)(A); 42 USC 1320c-3(a)(4); 42 USC 1396a(a)(30)

CFR Citation: 42 CFR 405.310; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 434.53; 42 CFR 456.2; 42 CFR 456.650; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 41 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; 42 CFR 466.93

Legal Deadline: None.

Abstract: This proposed rule sets forth several changes to the Medicare regulations governing Peer Review Organizations. Some of these changes are the result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the

Omnibus Budget Reconciliation Act of 1986. Other changes are of a technical nature and are intended to clarify and correct existing regulations on the Peer Review Organization Program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bdlg., 6325 Security Blvd., Baltimore, MD. 21207, **301 594-7909**

RIN: 0938-AD38

826. ● LONG TERM CARE SURVEY

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1395rr

CFR Citation: 42 CFR 405.1906; 42 CFR 442.30

Legal Deadline: Judicial, July 1, 1987. (Note: Published in Federal Register 7/1/87)

Abstract: These regulations respond to a U.S. District Court decision, which declared a previous rule affecting long term care surveys published in the Federal Register on June 13, 1986, to be procedurally invalid. The Court ordered that, by July 1, 1987, we publish a new proposed rule to correct the inadequacies identified by the Court.

Accordingly, the proposed regulations described in detail HCFA's survey methodology, guidelines, and forms used in surveys, and the duties of the State survey agency. HCFA also solicited comments on the guidelines and forms that constitute the survey system, set forth in appendices to the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24752
NPRM Comment Period End	09/29/87	52 FR 24752
Final Action	03/00/88	

Small Entity: Yes

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd, Baltimore, MD 21207, **301 594-5547**

RIN: 0938-AD41

827. ● ADMINISTRATIVE SANCTIONS FOR CIRCUMVENTING THE PROSPECTIVE PAYMENT SYSTEM AND PRO DISCLOSURE TO LICENSING AND CERTIFICATION BODIES

Legal Authority: 42 USC 1395hh; 42 USC 1395ww; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 412; 42 CFR 476; 42 CFR 498; 42 CFR 1001

Legal Deadline: None.

Abstract: This proposed rule would set forth the Secretary's authority to levy administrative sanctions against hospital providers who engage in fraudulent and abusive practices intended to circumvent the Prospective Payment System (PPS) under the Medicare program. The purpose of these proposed regulations is to clarify and strengthen the OIG's existing authority to protect the Medicare program from abuse by terminating any hospital who fails to correct abusive practices under PPS when directed to do so by the appropriate utilization and quality control Peer Review Organization (PRO). These regulations also revise and clarify HCFA's authority with respect to corrective action procedures and procedures for program payment denial against those hospital providers who circumvent PPS.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-7909**

RIN: 0938-AD42

828. ● REVISION OF THE MEDICARE ECONOMIC INDEX

Legal Authority: PL 92-603; PL 99-509

CFR Citation: 42 CFR 405.504

Legal Deadline: None.

Abstract: This proposed rule would establish in regulations the revised proxy measures which we believe have a sounder economic foundation than the current ones and meet the requirements of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Roland King, Chief Actuary, Department of Health and Human Services, Health Care Financing Administration, 1705 Equitable Building Room 100, 6325 Security Blvd, Baltimore, MD 21207, **301 594-2826**

RIN: 0938-AD43

829. ● UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1988

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i)

CFR Citation: 42 CFR 416.130

Legal Deadline: Statutory, July 1, 1988.

Abstract: We would update the payment amounts for ambulatory surgical services, effective July 1,1988, based on a survey of costs and charges reported by Medicare participating ambulatory surgical centers.

Timetable:

Action	Date	FR Cite
Proposed Notice	02/00/88	
Final Notice	06/01/88	

Small Entity: Yes

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 **594-9760**

RIN: 0938-AD44

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Health Care Financing Administration (HCFA)

Final Rule Stage

830. PAYMENTS TO INSTITUTIONS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832; 42 CFR 435.722

Legal Deadline: None.

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform). These regulations also implement a provision of Pub. L. 99-272. This provision requires that when States elect to use a special income standard for institutionalized individuals, Medicaid eligibility must begin with the first day of a period of not less than 30 consecutive days of institutionalization.

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10992
NPRM Comment Period End	05/20/85	
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AB00

831. RELATIONS WITH OTHER AGENCIES, MISCELLANEOUS MEDICAID DEFINITIONS AND THIRD PARTY LIABILITY QUALITY CONTROL

Legal Authority: 42 USC 1302; PL 97-12, Sec 402; PL 98-619, Sec 204

CFR Citation: 42 CFR 431.625; 42 CFR 435.1009; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 431.800; 42 CFR 440.30; 42 CFR 441.200; 42 CFR 441.201; 42 CFR 441.202; 42 CFR 441.203; 42 CFR 441.206; 42 CFR 441.208

Legal Deadline: None.

Abstract: These regulations: (1) revise Medicaid policy on State payments of cost sharing amounts under Medicare Part B "buy-in" agreements; (2) revise and clarify certain Medicaid definitions; (3) remove the requirement that State plans include third party liability quality control reviews as a part of the State's Medicaid quality control system; and update provisions relating to payment for abortions to conform them to several public laws that limit use of Federal funds for that purpose.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	49 FR 10378
NPRM Comment Period End	05/11/83	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 409 EHR, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB21

832. CHANGES TO THE LESSER OF COSTS OR CHARGES PROVISIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395f(b); 42 USC 1395f(k); 42 USC 1395l(a); PL 98-369, Sec 2308

CFR Citation: 42 CFR 413.13

Legal Deadline: None.

Abstract: This regulation eliminates application of the lesser of costs or charges aggregation method for determining payment for services furnished under Part A or Part B of Medicare effective with cost reporting periods beginning on or after October 1, 1984 (section 2308(a) of Pub.L. 98-369). We also eliminate the accumulation and carryover of unreimbursed costs to subsequent cost reporting periods applicable with cost reporting periods beginning on or after the effective date of the final rule. It revises the nominal charge provisions for providers that furnish services either free of charge or at a nominal charge in accordance with section 2308(b) of Pub.L. 98-369. It also revises the payment provisions for durable medical equipment furnished by home health agencies effective on or after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	09/18/86	51 FR 33074
NPRM Comment Period End	11/17/86	
Final Action	12/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Division of Payment & Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AB29

833. FFP FOR SERVICES OF LONG TERM CARE FACILITIES

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 442.16; 42 CFR 442.40; 42 CFR 442.42

Legal Deadline: None.

Abstract: These rules will modify and clarify policy on Federal financial participation (FFP) in State Medicaid payments to a skilled nursing facility (SNF) or an intermediate care facility (ICF) after the facility's provider agreement has been terminated or has expired and not been renewed.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42192
NPRM Comment Period End	12/17/85	50 FR 42192
Final Action	10/00/87	

Small Entity: No

Affected Sectors: 919 General Government, Not Elsewhere Classified

Government Levels Affected: State

Agency Contact: Gilda Martin, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Financial Policy Branch, Rm. 350 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1399**

RIN: 0938-AB42

834. REVISIONS IN REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395x(p); 42 USC 1395x(s)(3)(11) to (12); 42 USC 1395aa; 42 USC 1395hh

CFR Citation: 42 CFR 405.1413(c); 42 CFR 405.1716(c); 42 CFR 405.1716(d); 42 CFR 405.1717(b); 42 CFR 405.1717(e); 42 CFR 405.1725(a); 42 CFR 405.1702(d), (f) to (k); 42 CFR 405.1731(a),(c); 42 CFR 434.36; 42 CFR 434.55; 42 CFR 405.1733(a),(b); 42 CFR 434.27(a)

Legal Deadline: None.

Abstract: This final rule sets forth changes in several regulations containing collection of information requirements. The changes are HCFA's response to the Office of Management and Budget requirement to eliminate regulations that are overly prescriptive, duplicative, or lack practical utility. The requirements affect the providers and suppliers of outpatient physical therapy and speech pathology services; physical therapists in independent practice; portable X-ray services; and Medicaid contracts with health maintenance organizations and prepaid health plans.

Timetable:

Action	Date	FR Cite
NPRM	02/24/86	51 FR 6429
Final Action	10/00/87	

Small Entity: No

Agency Contact: Stanley Katz, Director Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, Maryland 21207, **301 594-8561**

RIN: 0938-AB46

835. INDIRECT PART B PAYMENT PROCEDURE

Legal Authority: 42 USC 1395u; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.1672; 42 CFR 405.1679; 42 CFR 405.1685; 42 CFR 405.1686

Legal Deadline: None.

Abstract: This regulation implements provisions of Pub.L. 98-369 that allow payment for services furnished under Part B of Medicare to be made to a health benefits plan.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23792
NPRM Comment Period End	07/31/86	51 FR 23792
Final Action	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AB59

836. TREATMENT OF SOCIAL SECURITY COST OF LIVING INCREASES FOR INDIVIDUALS WHO LOSE SSI ELIGIBILITY

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(note)

CFR Citation: 42 CFR 435.135; 42 CFR 435.136

Legal Deadline: None.

Abstract: This revision to Medicaid rules provides that a State, in determining categorically needy financial eligibility for an individual who would still be eligible for benefits under SSI but for receipt of a section 215(i) cost of living increase after April 1977, must treat that individual as if he or she were still receiving SSI benefits. Section 215(i) cost of living increases are made to persons who receive monthly Social Security cash benefits. (This regulation was developed pursuant to a court order.)

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14397
NPRM Comment Period End	06/11/85	
Interim Final Rule	04/10/86	51 FR 12325
Final Action	05/00/88	

Small Entity: No

Agency Contact: Roy Trudel, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility Policy, Room 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9128**

RIN: 0938-AB62

837. OMB REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR HOME HEALTH AGENCIES, INDEPENDENT LABORATORIES, AND PROVIDERS OF OUTPATIENT, PHYSICAL THERAPY AND/OR (CONT)

Legal Authority: 42 USC 1302; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395x(s)(10) to (11); 42 USC 1395aa; 42 USC 1395x(p)

CFR Citation: 42 CFR 405.1221(e); 42 CFR 405.1221(f); 42 CFR 405.1221(g); 42 CFR 405.1221(i); 42 CFR 405.1223(b); 42 CFR 405.1229(a); 42 CFR 405.1315(f); 42 CFR 405.1316(f); 42 CFR 405.1720(b); 42 CFR 405.1721; 42 CFR 405.1224; 42 CFR 405.1228; 42 CFR 405.1225(a); 42 CFR 405.1226; 42 CFR 405.1314; ...

Legal Deadline: None.

Abstract: The purpose of this rule is to set forth changes in several regulations containing information collection requirements, and to obtain public comments on the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	51 FR 47266
NPRM Comment Period End	03/02/87	51 FR 47266
Final Action	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Speech Pathology Services

Agency Contact: Stefan Miller, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 400 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6394**

RIN: 0938-AB68

838. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72

Legal Deadline: None.

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment Period End	04/19/86	51 FR 8208
Final Action	00/00/00	

Small Entity: No

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6403**

RIN: 0938-AB71

839. CONDITIONS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396d(c); 42 USC 1396d(d)

CFR Citation: 42 CFR 435; 42 CFR 442; 42 CFR 431.610(f)(1); 42 CFR 440.150(c)(3); 42 CFR 483

Legal Deadline: None.

Abstract: This rule revises the format and content of the standards for intermediate care facilities for the mentally retarded and persons with related conditions (ICFs/MR). The new format will be that of "conditions of participation" and will make the regulations for ICFs/MR consistent with the organization of the Medicare and Medicaid regulations for skilled nursing facilities. Revisions to the content of the regulations are intended to shift the focus away from facility-oriented requirements to client-oriented requirements. Thus, the rule is designed to increase the focus on the provision of active treatment services for clients, clarify Federal requirements, and maintain essential client protection.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 7520
NPRM Comment Period End	05/05/86	51 FR 7520
Final Action	11/00/87	

Small Entity: No

Agency Contact: Samuel Kidder, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Branch, Room 429 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938-AB76

840. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b; 42 USC 1302

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None.

Abstract: This final rule revises the regulations governing the Medicaid eligibility quality control (MEQC) program to include more specified program requirements and to establish new time frames for completing and reporting MEQC case findings to HCFA. The final rule also establishes a performance-based threshold for States to meet before HCFA will consider good faith waiver requests of disallowance of Federal financial participation in erroneous Medicaid payments and provides more definitive criteria for evaluating States good faith efforts to meet the national standard error rate. In addition, the rule makes several technical changes and specifies that States may rebut their quarterly projected error rates when they can present evidence that the projected rates were based on erroneous data. The revisions will strengthen the MEQC program and provide flexibility and incentives to States to produce more accurate Medicaid eligibility determinations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	02/00/88	

Small Entity: No

Agency Contact: Randolph Graydon, Acting Director, Div. of Program Benefits Assessment, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1352**

RIN: 0938-AB85

841. MEDICAID PROGRAM; COVERAGE OF QUALIFIED PREGNANT WOMEN AND CHILDREN AND NEWBORN CHILDREN

Legal Authority: 42 USC 1396a(a)(10)(A)(i)(III); 42 USC 1396a(e)(4); 42 USC 1302; 42 USC 1396d(n)

CFR Citation: 42 CFR 435.3; 42 CFR 435.115; 42 CFR 435.116; 42 CFR 435.117; 42 CFR 435.301; 42 CFR 436.2; 42 CFR 436.114; 42 CFR 436.120; 42 CFR 436.124; 42 CFR 436.301

Legal Deadline: None.

Abstract: The final rule amends the Medicaid regulations to incorporate two mandatory eligibility groups of individuals for Medicaid coverage: (1) qualified pregnant women and certain children under age 5; and (2) newborn children of Medicaid-eligible women. These amendments conform the regulations to statutory changes made under the Deficit Reduction Act of 1984 and the Consolidated Omnibus Reconciliation Act of 1985. States have been informed that these provisions of the statute are self-implementing. In addition, manual instructions containing procedures for States to implement the requirements have been issued to States.

Timetable:

Action	Date	FR Cite
NPRM	11/21/85	50 FR 48102
NPRM Comment Period End	01/21/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Office of Eligibility Policy, Rm. 448, EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-6529**

RIN: 0938-AC02

842. REASONABLE CHARGE LIMITATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(8); 42 USC 1395u(b)(9)

CFR Citation: 42 CFR 405.502

Legal Deadline: None.

Abstract: This rule revises the regulations concerning special reasonable charge limits for Part B

Services. It will conform the regulations to section 9333 of the Omnibus Budget Reconciliation Act of 1986 that specifies changes to the procedures for establishing special reasonable charge limits.

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 5726
Final Action with Comment Period	08/11/86	51 FR 28710
Final Action Comment Period End	10/10/86	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Bernard Patashnik, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AC08

843. ASSIGNMENT AND REASSIGNMENT OF PROVIDER-BASED HOME HEALTH AGENCIES AND HOSPICES TO DESIGNATED REGIONAL INTERMEDIARIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395h(e)

CFR Citation: 42 CFR 421.3; 42 CFR 421.117; 42 CFR 421.128

Legal Deadline: None.

Abstract: This regulation requires all home health agencies and hospices to be served by designated regional intermediaries, instead of permitting provider-based HHAs and hospices to use the intermediaries their parent providers use. This reduces the number of intermediaries serving the HHAs and hospices, thus resulting in more consistent payment determinations and more effective and efficient administration.

Timetable:

Action	Date	FR Cite
NPRM	01/22/87	52 FR 02424
NPRM Comment Period End	03/23/87	52 FR 02424
Final Action	12/00/87	

Small Entity: No

Agency Contact: Irvin Robinson, Director, Division of Procurement, Department of Health and Human Services, Health Care Financing Administration, Room 334 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-8003**

RIN: 0938-AC20

844. FIRE SAFETY STANDARDS FOR HOSPITALS, SKILLED NURSING FACILITIES, INTERMEDIATE CARE FACILITIES AND AMBULATORY SURGICAL CENTERS

Significance: Agency Priority

Legal Authority: 42 USC 1395x(e)(9); 42 USC 1395x(j)(13); 42 USC 1395hh; 42 USC 1396d(c); 42 USC 1396d(d); 42 USC 1302

CFR Citation: 42 CFR 405.1022(b)(1); 42 CFR 405.1134(a); 42 CFR 416.44(b); 42 CFR 442.321(a); 42 CFR 442.321(c); 42 CFR 442.322; 42 CFR 442.323

Legal Deadline: None.

Abstract: This final rule amends the fire safety standards for hospitals, skilled nursing facilities, intermediate care facilities and ambulatory surgical centers to incorporate by reference the 1985 edition of the Life Safety Code of the National Fire Protection Association.

Timetable:

Action	Date	FR Cite
NPRM	01/28/87	52 FR 02430
NPRM Comment Period End	03/23/87	52 FR 02430
Final Action	00/00/00	

Small Entity: No

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938-AC28

845. EMPLOYERS CONTRIBUTION TO HEALTH MAINTENANCE ORGANIZATIONS OPTION

Significance: Regulatory Program

Legal Authority: 42 USC 300e-9

CFR Citation: 42 CFR 110.808, (removed)

Legal Deadline: None.

Abstract: This final rule removes from the regulations the requirement that employers contribute an equal amount to a Health Maintenance Organization employee benefit plan as they do to other employee health benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	01/13/87	52 FR 01343
NPRM Comment Period End	03/16/87	
Next Action	Undetermined*	

*The Regulatory Program of the United States Government 1987-1988 projected final action in July, 1987.

Small Entity: No

Additional Information: The Regulatory Program of the United States Government 1987-1988 projected final publication in July, 1987.

Agency Contact: Carolyn Cocotas, Special Assistant, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, 317H HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-8036**

RIN: 0938-AC48

846. CORRECTION AND REDUCTION PLANS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Legal Authority: 42 USC 1302; 42 USC 1396r

CFR Citation: 42 CFR 442.1; 42 CFR 442.2; 42 CFR 442.109; 42 CFR 442.110; 42 CFR 442.111; 42 CFR 442.112; 42 CFR 442.113; 42 CFR 442.114; 42 CFR 442.115; 42 CFR 442.116

Legal Deadline: None.

Abstract: These final regulations provide States additional options under which an ICF/MR found to have substantial deficiencies that do not pose an immediate threat to the clients' health and safety may remedy those deficiencies. The regulations provide the State Medicaid agency with options to submit written plans either to correct the necessary staff and physical plant deficiencies, and all other deficiencies, within 6 months of the approval date of the plan, or to reduce permanently the number of beds in certified units within 36 months of the approval date of the plan. These regulations are necessary to implement section 9516 of P.L. 99-272.

Timetable:

Action	Date	FR Cite
NPRM	07/25/86	51 FR 26718
NPRM Comment Period End	08/25/86	51 FR 26718
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Mary Pratt, Program Analyst, Department of Health and

Human Services, Health Care Financing Administration, Health Standards and Quality Bureau, Rm. 2-D-2 ME. 6300 Security Blvd., Baltimore, MD 21207, **301 594-0005**

RIN: 0938-AC51

847. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR COST REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1987

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1987.

Timetable:

Action	Date	FR Cite
Final Notice	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AC54

848. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(25); 42 USC 1302

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21

Legal Deadline: Statutory, October 7, 1986. Section 9503 of Pub. L. 99-272 (April 7, 1986) requires that final regulations be published 6 months from date of enactment.

Abstract: This rule implements, in part, those portions of sec. 9503 of Pub. L. 99-272 that set forth State plan requirements and other provisions relating to State third-party liability (TPL) programs. The provisions deal with (1) the integration of a State's pursuit of third-party claims with its Mechanized Claims Processing and Information Retrieval Systems and the Secretary's responsibility to develop performance standards to assess TPL collection efforts with respect to this integration; (2) certain exceptions to the cost avoidance method of claims payment in TPL situations; and (3) provider restrictions and provider penalties related to attempts at collection of cost sharing or portions of those amounts from Medicaid recipients when third party liability has been established.

Timetable:

Action	Date	FR Cite
NPRM	03/02/87	52 FR 06350
NPRM Comment Period End	04/02/87	52 FR 06350
Final Action	06/00/88	

Small Entity: No

Agency Contact: Sue Knesley, Program Analyst, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Third Party Liability Branch, 233 EHR. 6325 Security Blvd., Baltimore, MD 21207, **301 597-3631**

RIN: 0938-AC64

849. ALTERNATE SANCTIONS FOR ESRD FACILITIES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395rr

CFR Citation: 42 CFR 405

Legal Deadline: None.

Abstract: These rules provide that, when the only deficiency cited for a supplier of ESRD services is a failure to cooperate in achieving the plans and objectives of the ESRD network of which the supplier is a member, and that failure does not jeopardize patient health and safety, HCFA may, as an alternative to terminations of Medicare coverage of the facility's ESRD services, impose alternative sanctions such as denial of payment for services furnished to patients accepted for care after the effective date of the sanction, or a gradual reduction in the payments for all patients.

Timetable:

Action	Date	FR Cite
NPRM	04/09/87	52 FR 11517
NPRM Comment Period End	06/08/87	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Spencer B. Colburn, Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 ME Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-3413**

RIN: 0938-AC68

850. ENTITIES PERFORMING QUALITY OF CARE REVIEW OF SERVICES PROVIDED BY RISK-BASIS HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: 42 USC 1302; 42 USC 1320c-3(a)(4); 42 USC 1320c-9

CFR Citation: 42 CFR 466.70; 42 CFR 466.71; 42 CFR 466.72; 42 CFR 466.73; 42 CFR 476.137; 42 CFR 476.138

Legal Deadline: None.

Abstract: This rule provides for review by Utilization and Quality Control Peer Review Organizations (PROs) of the quality of care furnished by risk-based health maintenance organizations and competitive medical plans (CMPs). This rule also provides for the same review by non-PRO entities and identifies the requirements that these non-PRO entities must meet.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	
Final Action with Comment Period	10/00/87	

Small Entity: No

Agency Contact: Kay Terry, Chief, Quality Review Branch, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, **301 594-7909**

RIN: 0938-AC85

851. END STAGE RENAL DISEASE PROGRAM: RESPONSIBILITIES OF NETWORK ORGANIZATIONS

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2112; 42 CFR 405.2113

Legal Deadline: None.

Abstract: These regulations will revise final regulations published on August 26, 1986 (51 FR 30356) pertaining to the End Stage Renal Disease (ESRD) networks and organizations to reflect certain provisions of the ESRD program amendments contained in sections 9335(d) through (h) of the Omnibus Budget Reconciliation Act of 1986. These regulations will revise the responsibilities of network organizations.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17777
NPRM Comment Period End	07/13/87	52 FR 17777
Final Action	11/00/87	

Small Entity: No

Agency Contact: Spencer Colburn, Branch Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Blvd., Baltimore, MD 21207, **301 594-3413**

RIN: 0938-AC86

852. END STAGE RENAL DISEASE PROGRAM: REVISED NETWORK AREA DESIGNATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1395rr

CFR Citation: Not applicable

Legal Deadline: Statutory, May 1, 1987.

Abstract: This notice provides for 18 End Stage Renal Disease (ESRD) network areas, sets forth the geographic areas of the new network organizations, and the criteria used to designate the new areas. This notice also sets forth evaluation criteria and performance indicators for monitoring the performance of network organizations.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/09/87	52 FR 11550
Final Notice	10/00/87	
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Spencer Colburn, Branch Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Blvd., Baltimore, MD 21207, **301 594-3413**

RIN: 0938-AC87

853. MEDICARE ECONOMIC INDEX FOR REASONABLE CHARGES (EFFECTIVE 01/01/88)

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None.

Abstract: This notice sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare.

Timetable:

Action	Date	FR Cite
Notice	10/00/87	

Small Entity: Undetermined

Agency Contact: Roland King, Chief Actuary, Economic and Actuarial Analysis Branch, Department of Health and Human Services, Health Care Financing Administration, L-1, 1705 Equitable Building, 6325 Security Blvd., Baltimore, MD 21207, **301 594-2826**

RIN: 0938-AC91

854. PERIODIC INTERIM PAYMENTS FOR HOSPITALS

Legal Authority: 42 USC 1395g

CFR Citation: 42 CFR 413.60

Legal Deadline: Statutory, July 1, 1987.

Abstract: These regulations would implement provisions of section 9311 of PL. 99-509, which deals with payment of periodic interim payments (PIPs) to providers. This legislation eliminates PIP for prospective payment hospitals except for certain hospitals that serve a disproportionate share of low-income patients and hospitals with 100 or fewer beds that are located in a rural area. Hospitals that are excluded from the prospective payment system, hospitals receiving payment under a State reimbursement control system that incorporates payment on a PIP-basis and all other providers may continue to elect PIP payments. In addition, the legislation provides that a prospective payment hospital may continue to receive PIP payments until its fiscal intermediary demonstrates that it has complied with prompt payment requirements for at least three consecutive months. If at any time the intermediary fails to meet these requirements for three consecutive months, the hospital may again request PIP.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	10/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Div. of Payment & Reporting Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AC96

855. PAYMENT FOR FACILITY SERVICES RELATED TO AMBULATORY SURGICAL PROCEDURES PERFORMED IN HOSPITALS ON AN OUTPATIENT BASIS

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); PL 99-509, Sec 9343(a)

CFR Citation: 42 CFR 413.13; 42 CFR 413.118

Legal Deadline: None.

Abstract: This final rule sets forth the methodology that will be used to determine payments for hospital outpatient services furnished to Medicare beneficiaries in connection with ambulatory surgical procedures. This rule implements section 9343(a) of the Omnibus Budget Reconciliation Act of 1986. This rule is effective for hospital cost reporting periods beginning on or after October 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	06/02/87	52 FR 20623
NPRM Comment Period End	08/03/87	
Final Action	09/30/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Division of Provider Payment

Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-1803**

RIN: 0938–AD00

856. STANDARDS FOR THE REUSE OF DIALYSIS FILTERS AND OTHER DIALYSIS SUPPLIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2136; 42 CFR 405.2138; 42 CFR 405.2139; 42 CFR 405.2140

Legal Deadline: None.

Abstract: This proposed rule revises Medicare rules to include standards and conditions for safe and effective dialyzer reuse and processing, enforceable as a condition of Medicare participation effective October 1, 1987. The standards are those adopted by the Association for the Advancement of Medical Instrumentation in July 1986. The rule also provides standards for reuse of dialyzer caps and prohibits reuse of transducer filters in ESRD facilities.

Timetable:

Action	Date	FR Cite
NPRM	06/17/87	52 FR 23055
NPRM Comment Period End	08/17/87	
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Rita McGrath, Chief, Alternative Delivery Organizations Br, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 469 East High Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 594-6719**

RIN: 0938–AD10

857. SUPPLEMENTARY MEDICAL INSURANCE PREMIUMS

Legal Authority: 42 USC 1395r; 42 USC 1395s; 42 USC 1302; 42 USC 1395hh; 42 USC 1395rr(d); 42 USC 1395q(b); 42 USC 1395v(d); 31 USC 3711

CFR Citation: 42 CFR 405; 42 CFR 408

Legal Deadline: None.

Abstract: These rules amend Medicare regulations that deal with supplementary medical insurance premiums to conform them to changes made in the Medicare law since those regulations were last published.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	
Final Action with Comment Period	10/00/87	

Small Entity: No

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 4243 North Bldg., 300 Independence Ave., SW, Washington, DC 20201, **202 245-0383**

RIN: 0938–AD19

858. ● SOURCE OF STATE SHARE OF FINANCIAL PARTICIPATION

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 433, (revised)

Legal Deadline: None.

Abstract: This rule revises the current regulations concerning State's use of public and private donations as sources of the state share of financial participation in Medicaid.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	12/00/87	

Small Entity: No

Agency Contact: Thomas Ashman, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Rm. 350 ME Bldg., 6325 Security Blvd., Baltimore, MD. 21207, **301 594-7330**

RIN: 0938–AD36

859. ● TARGETING INFORMATION FOR INCOME AND ELIGIBILITY VERIFICATION

Legal Authority: 42 USC 1302; 42 USC 1320b-7

CFR Citation: 42 CFR 433.138; 42 CFR 435.941; 42 CFR 435.945; 42 CFR 435.952; 42 CFR 435.953

Legal Deadline: None.

Abstract: This regulation implements section 9101 of PL 99-509, which amended section 1137 of the Social Security Act so that the Secretary may not require agencies that have an income and eligibility verification system to use all the information received through the system. Instead, this regulation allows the States the option to target their uses to those identified in the State plan as most likely to be productive.

Timetable:

Action	Date	FR Cite
Final Action with comment	10/00/87	

Small Entity: No

Agency Contact: David Landis, Director, Division of Performance Analysis, Department of Health and Human Services, Health Care Financing Administration, Rm. 233 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-8000**

RIN: 0938–AD37

860. ● MEDICARE, MEDICAID, AND CLINICAL LABORATORIES IMPROVEMENT ACT (CLIA) PATIENT CONFIDENTIALITY RULES

Legal Authority: 42 USC 216; 42 USC 1302; 42 USC 1395x; 42 USC 1395hh

CFR Citation: 42 CFR 74; 42 CFR 405; 42 CFR 441

Legal Deadline: None.

Abstract: This rule eliminates the requirement that a laboratory maintain the name and other identification of individuals undergoing testing to determine the presence of the Human Immunodeficiency Virus (HIV) antibody or causative agent, if the laboratory is not seeking Medicare or Medicaid payment for these tests.

Timetable:

Action	Date	FR Cite
Final Action with comment period	12/31/87	

Small Entity: Undetermined

Agency Contact: Mike Goldman, Chief, Laboratory and Ambulatory Branch, Department of Health and Human Services, Health Care Financing Administration, 2D2 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, **301 594-9737**

RIN: 0938–AD40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Health Care Financing Administration (HCFA)

Completed Actions

861. HOME HEALTH AGENCIES: FINANCIAL SECURITY REQUIREMENTS

CFR Citation: 42 CFR 405.402; 42 CFR 405.419; 42 CFR 405.429; 42 CFR 405.1201 to 405.1202; 42 CFR 405.1231

Completed:

Reason	Date	FR Cite
Withdrawn Regulation determined to be unnecessary.	08/14/87	

Small Entity: No

Agency Contact: Ward Pleines 301 597-0323

RIN: 0938-AA13

862. BENEFIT PERIOD DETERMINATIONS, DRUG REGIMEN REVIEWS AND OTHER TECHNICAL CHANGES

CFR Citation: 42 CFR 405.1127(a); 42 CFR 409.60; 42 CFR 442.336(a); 42 CFR 405.704; 42 CFR 405.702

Completed:

Reason	Date	FR Cite
Final Action	06/15/87	52 FR 22638
Final Action Effective	07/15/87	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer 301 594-9446

RIN: 0938-AB03

863. REVISIONS TO MEDICAID PAYMENT FOR HOSPITAL AND LONG TERM CARE FACILITY SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 447.253; 42 CFR 447.256; 42 CFR 447.257; 42 CFR 447.272; 42 CFR 447.280; 42 CFR 447.321; 42 CFR 400.310

Completed:

Reason	Date	FR Cite
Final Action	07/28/87	52 FR 28141
Final Action Effective	10/26/87	52 FR 28141

Small Entity: No

Agency Contact: Tzvi Hefter 301 597-1808

RIN: 0938-AB40

864. CHANGES TO THE RETURN ON EQUITY CAPITAL PROVISIONS AND THE EXCEPTION FROM COST LIMITS FOR NEWLY ESTABLISHED HOME HEALTH AGENCIES

Significance: Regulatory Program

CFR Citation: 42 CFR 413.5; 42 CFR 413.157; 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Final Action	06/04/87	52 FR 21216
Final Action Effective	07/06/87	

Small Entity: Yes

Agency Contact: William Goeller 301 597-1802

RIN: 0938-AB70

865. PAYMENT ADJUSTMENTS FOR SOLE COMMUNITY HOSPITALS

Significance: Agency Priority

CFR Citation: 42 CFR 400.310; 42 CFR 412.92

Completed:

Reason	Date	FR Cite
Final Action Comment period closes 10/13/87.	08/14/87	52 FR 30362
Final Action Effective	09/14/87	

Small Entity: No

Agency Contact: Charles Booth 301 594-9760

RIN: 0938-AB72

866. LIMITS ON PAYMENTS FOR DRUGS

Significance: Regulatory Program

CFR Citation: 42 CFR 413.110; 42 CFR 447; 45 CFR 1.2; 45 CFR 19; 42 CFR 430.0

Completed:

Reason	Date	FR Cite
Final Action	07/31/87	52 FR 28648
Final Action Effective	10/29/87	52 FR 28648

Small Entity: No

Agency Contact: Anthony Lovecchio 301 594-4010

RIN: 0938-AB97

867. LOWEST CHARGE LEVELS

Significance: Regulatory Program

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	04/20/87	52 FR 12969
Final Action Effective	05/02/87	

Small Entity: Yes

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938-AC16

868. LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

CFR Citation: 42 CFR 416.65

Completed:

Reason	Date	FR Cite
Final Action	04/21/87	52 FR 13176

Small Entity: Yes

Agency Contact: Stan Katz 301 594-8561

RIN: 0938-AC21

869. REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR SUPPLIERS OF END-STAGE RENAL DISEASE SERVICES

CFR Citation: 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 405.2139

Completed:

Reason	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: John Powell 301 597-0565

RIN: 0938-AC26

870. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1988 RATES

Significance: Regulatory Program

CFR Citation: 42 CFR 405.553; 42 CFR 412.1; 42 CFR 412.2; 42 CFR 412.23; 42 CFR 412.60; 42 CFR 412.63; 42 CFR 412.71; 42 CFR 412.73; 42 CFR 412.82; 42 CFR 412.84; 42 CFR 412.92; 42 CFR 412.96; 42 CFR 412.200 to 412.220; 42 CFR 413.40; 42 CFR 466.70

HHS—HCFA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	09/01/87	52 FR 33034
Final Action Effective	10/01/87	

Small Entity: Yes

Agency Contact: Linda Magno 301 594-9343

RIN: 0938-AC39

871. ENROLLMENT PROVISIONS CONCERNING HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

CFR Citation: 42 CFR 417.428; 42 CFR 417.440; 42 CFR 417.450; 42 CFR 417.460

Completed:

Reason	Date	FR Cite
Final Action	03/20/87	52 FR 8898
Final Action Effective	04/20/87	

Small Entity: Undetermined

Agency Contact: Rita McGrath 301 594-6719

RIN: 0938-AC44

872. APPLICATION FEES FOR HEALTH MAINTENANCE ORGANIZATIONS (HMOS)

Significance: Regulatory Program

CFR Citation: 42 CFR 110.604, (revised); 42 CFR 110.101; 42 CFR 417.406; 42 CFR 417.407; 42 CFR 417.494; 42 CFR 434.2

Completed:

Reason	Date	FR Cite
Final Action	06/11/87	52 FR 22311
Final Action Effective	07/13/87	

Small Entity: Yes

Agency Contact: Cynthia Trower 202 245-0787

RIN: 0938-AC46

873. SCHEDULE OF LIMITS ON HHA COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER 7/1/86, BUT BEFORE 7/1/87, AND COST REPORTING PERIODS BEGINNING ON OR AFTER 7/1/87

Significance: Regulatory Program

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	07/07/87	52 FR 25562
Final Action Effective	07/01/87	

Small Entity: No

Agency Contact: William J. Goeller 301 597-1803

RIN: 0938-AC56

874. MEDICARE NOTICE OF GENERAL STATEMENT OF POLICY - PROCEDURES FOR DETERMINING WHETHER PROVIDERS, PRACTITIONERS OR OTHER SUPPLIERS OF SERVICES ARE LIABLE FOR CERTAIN NONCOVERED SERVICES

CFR Citation: 42 CFR 405.332; 42 CFR 405.334; 42 CFR 405.336

Completed:

Reason	Date	FR Cite
Withdrawn Implemented by Intermediary Letter 7/87	05/01/87	

Small Entity: Yes

Agency Contact: Denis M. Garrison 301 594-9435

RIN: 0938-AC61

875. APPEALS FROM DETERMINATIONS THAT AFFECT PARTICIPATION IN MEDICARE

CFR Citation: 42 CFR 405; 42 CFR 416; 42 CFR 420; 42 CFR 431; 42 CFR 485; 42 CFR 489; 42 CFR 498; 42 CFR 1001; 42 CFR 1004

Completed:

Reason	Date	FR Cite
Final Action	06/12/87	52 FR 22444

Small Entity: Yes

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938-AC65

876. PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 01/01/88

CFR Citation: 42 CFR 405.106

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 0938-AC94	08/01/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938-AC93

877. CHANGES TO THE RETURN ON EQUITY CAPITAL PROVISIONS FOR OUTPATIENT HOSPITAL SERVICES

Significance: Regulatory Program

CFR Citation: 42 CFR 413.157

Completed:

Reason	Date	FR Cite
Final Action	09/01/87	52 FR 32920
Final Action Effective	10/01/87	

Small Entity: Undetermined

Agency Contact: John Rogers 301 597-2799

RIN: 0938-AC98

878. CHANGES TO THE DRG CLASSIFICATION SYSTEM

CFR Citation: 42 CFR 412.10

Completed:

Reason	Date	FR Cite
Final Action	09/01/87	52 FR 33143
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Linda Magno 301 594-9349

RIN: 0938-AD03

879. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES

Significance: Regulatory Program

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	06/01/87	52 FR 20466
Final Action Effective	07/01/87	

Small Entity: Yes

Agency Contact: Charles Booth 301 594-9760

RIN: 0938-AD04

880. PAYMENTS FOR LARGE RURAL HOSPITALS THAT SERVE A DISPROPORTIONATE SHARE OF LOW-INCOME PATIENTS

CFR Citation: 42 CFR 412.63; 42 CFR 412.106; 42 CFR 412.118

Completed:

Reason	Date	FR Cite
Final Action	06/25/87	52 FR 23832
Final Action Effective	07/27/87	

Small Entity: No

Agency Contact: Charles Booth 301 594-9760

RIN: 0938-AD05

881. CAPITAL PAYMENTS UNDER THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM

Significance: Regulatory Program

CFR Citation: 42 CFR 412.1; 42 CFR 412.2; 42 CFR 412.63; 42 CFR 412.65; 42 CFR 412.66; 42 CFR 412.67; 42 CFR 412.82; 42 CFR 412.84; 42 CFR 412.92; 42 CFR 412.96; 42 CFR 412.113; 42 CFR 412.125; 42 CFR 412.214

Completed:

Reason	Date	FR Cite
Final Action	09/01/87	52 FR 33168
Final Action Effective	10/01/87	

Small Entity: Yes

Agency Contact: Charles Booth 301 594-9760

RIN: 0938-AD06

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Family Support Administration (FSA)

Proposed Rule Stage

882. SCOPE OF PAYMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1102; 42 USC 602

CFR Citation: 45 CFR 233.20(a)(2)(i); 45 CFR 233.20(a)(2)(V); 45 CFR 233.120(b)(3)

Legal Deadline: None.

Abstract: This proposed rule would clarify certain provisions in the Aid to Families with Dependent Children program under title IV-A of the Social Security Act. This clarification is being issued in order to prevent Federal funds from being used to provide a separate standard of need based on the type of housing in which an AFDC family resides and to prevent Emergency Assistance funds from being used to meet ongoing needs.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/87	
NPRM	11/01/87	
Final Action	02/01/88	

Small Entity: No

Additional Information: Split off from Regulation on Administrative Improvement in the AFDC Program (RIN 0960-AB72).

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA00

883. REFUGEE CASH AND MEDICAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None.

Abstract: This NPRM will provide special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) for the 12-month period beginning with the first month a refugee entered the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	01/15/88	
Final Action Effective	02/15/88	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Philip A. Holman, Director, Div. of Policy & Analysis, Office of Refugee Resettlement, Department of Health and Human Services, Family Support Administration, Rm 1229, 330 C Street, SW, Washington, DC 20201, 202 245-1027

RIN: 0970-AA01

884. CHILD SUPPORT ENFORCEMENT PROGRAM; QUARTERLY REPORTING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 652; 42 USC 654

CFR Citation: 45 CFR 301; 45 CFR 304

Legal Deadline: None.

Abstract: This proposed rule amends program regulations governing State Reporting requirements by deleting outdated references and by requiring more expeditious reporting to the Office of Child Support Enforcement by State IV-D agencies.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	05/00/88	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Family Support Administration, 330 C Street, S.W., Washington, DC 20201, 202 245-1773

RIN: 0970-AA02

885. RETROACTIVE MODIFICATION OF CHILD SUPPORT ARREARAGES

Legal Authority: PL 99-509, Sec 9103

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304

Legal Deadline: None.

Abstract: This NPRM requires, as a result of the Omnibus Budget Reconciliation Act of 1986, that child support payments be judgments on and after the day they fall due as well as requires that States have procedures to prohibit the retroactive modification of child support arrearages.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	07/00/88	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Susan Corriveau, Program Specialist, Department of Health and Human Services, Family Support Administration, 330 C Street, S.W., Washington, DC 20201, 202 245-1973

RIN: 0970-AA03

886. AID TO FAMILIES WITH DEPENDENT CHILDREN; TREATMENT OF UTILITY PAYMENTS BY APPLICANT OR RECIPIENTS LIVING IN CERTAIN FEDERALLY ASSISTANCE HOUSING

Legal Authority: PL 98-181, Sec 221; 42 USC 602; 42 USC 1302; PL 98-479, Sec 102

CFR Citation: 45 CFR 233.20

Legal Deadline: None.

Abstract: The proposed rule will provide that Housing and Urban Development Assisted Aid to Families With Dependent Children tenants who pay at HUD's direction utilities but no rent to landlord will have their utility payment considered rent by a State IV-A agency in computing the AID to Families With Dependent Children grant.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA05

887. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233; 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10, the recoupment of an overpayment, or because the payment is determined to be zero as a result of rounding. The estimated costs are: FY 1985--$30 million, FY 1986--$45 million, FY 1987--$50 million, and FY 1988--$55 million.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
Final Action	12/00/88	
Final Action Effective	12/00/88	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA07

888. REGULATIONS TO ENHANCE CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; Sec. 1102, 49 Stat. 647

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.20(a)(6)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a)(13); 45 CFR 205.52; 45 CFR 233.20(a)(3)(ii)(D); 45 CFR 233.20(a)(3)(iii)

Legal Deadline: None.

Abstract: Proposed rule will provide increased consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. The aim is to improve and simplify program administration and ease the burden placed upon the State agencies and individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970
NPRM	10/01/87	
Final Action	07/00/88	

Small Entity: Undetermined

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA08

889. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 303; 42 USC 602; 42 USC 606; 42 USC 1403; 42 USC 1383 Note; 42 USC 1302

CFR Citation: 45 CFR 205; 45 CFR 224; 45 CFR 232; 45 CFR 233; 45 CFR 238

Legal Deadline: None.

Abstract: The proposed rule will organize and codify those administrative changes which will better target program resources, reduce administrative cost, or increase State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/31/88	
Final Action	04/30/88	

Small Entity: No

Agency Contact: Mark Regan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-3290**

RIN: 0970-AA09

890. IMPROVED CASE PROCESSING STANDARDS AND TIMEFRAMES

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 305

Legal Deadline: None.

Abstract: These proposed regulations will revise requirements and program standards to streamline and improve case processing within the IV-D agency. Specific standards and timeframes will be proposed for certain actions required to be taken in processing an IV-D case.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	07/00/88	

Small Entity: No

Agency Contact: Joyce Linder, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 330 C Street, S.W., Washington, DC 20201, **202 245-1773**

RIN: 0970-AA16

891. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None.

Abstract: OCSE is proposing to amend the current program regulations governing child support program audits. These proposed rules would streamline the current audit process and requirements and make corrections to certain inaccuracies in the audit regulations. In addition, we propose to update the current scoring system for the performance indicators now in effect, and to provide the initial scoring methodology which would be used in evaluating the accounts receivable performance indicators.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Mary Brogan, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 330 C Street, S.W., Washington, DC 20201, **202 245-1774**

RIN: 0970-AA17

892. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51

Legal Deadline: None.

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing payments made to AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	09/00/88	

Small Entity: No

Agency Contact: Susan Corriveau, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 330 C Street, S.W., Washington, DC 20201, **202 245-1978**

RIN: 0970-AA18

893. ● CASE CLOSURE

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 303

Legal Deadline: None.

Abstract: OCSE is proposing to amend current program regulations by outlining specific criteria for States to follow in determining which child support cases qualify for closure.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Craig Hathaway, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 330 C. Street, SW, Washington, DC 20201, **202 245-1973**

RIN: 0970-AA24

894. ● STATE LEGALIZATION IMPACT ASSISTANCE GRANTS

Significance: Agency Priority

Legal Authority: PL 99-603, Sec 204; Immigration Reform and Control Act of 1986

CFR Citation: 45 CFR 16; 45 CFR 402

Legal Deadline: Statutory, October 1, 1987.

Abstract: Sec 204 of the Immigration Reform and Control Act of 1986 (PL 99-603), enacted on November 6, 1986, establishes State Legalization Impact Assistance Grants (SLIAG) for States for fiscal year 1988 and for each of the three succeeding fiscal years.The purpose of SLIAG is to provide interim funding to State and local governments for certain costs that may result from the adjustment of immigration status under the Act of certain groups of aliens residing in the States, the District of Columbia, Puerto Rico, the Virgin Islands and Guam. SLIAG is not a new program in the usual sense. Rather, it is primarily a mechanism for providing funds for State and local activities. SLIAG funds may be applied by States with approved applications to certain costs resulting from the legalization program that are associated with providing public assistance, public health assistance, and educational services to eligible legalized aliens.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30194
NPRM Comment Period End	09/14/87	
Final Action	11/01/87	

HHS—FSA

Proposed Rule Stage

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Norman L. Thompson, Director, Div. of State Legalization Assist., Office of Refugee Resettlement, Department of Health and Human Services, Family Support Administration, 330 Independence Ave, SW, Washington, DC 20201, **202 245-0562**

RIN: 0970-AA40

695. ● AFDC; GENERAL ADMIN. OF PUBLIC ASSISTANCE PROGRAMS; FFP IN THE COST OF A STATEWIDE MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM IN THE AFDC PROGRAM; NPRM

Significance: Agency Priority

Legal Authority: PL 98-272, Sec 12303; Consolidated Omnibus Budget Reconciliation Act

CFR Citation: 45 CFR 205

Legal Deadline: None.

Abstract: COBRA instructs the Secretary of HHS to recover the 40% Family Assistance Management Information System (FAMIS) incentive funding (difference between the 90% FAMIS match and regular 50% administrative match) if a State does not meet the implementation date in its approved Advance Planning Document (APD). The Secretary could extend the implementation deadline if the State demonstrates that it was unable to meet the deadline because of circumstances that were clearly beyond its control. Examples that would be considered beyond the States control include: An act of God, or changes imposed by Federal legislative requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/30/87	
Final Action	04/01/88	

Small Entity: No

Additional Information: The conditions set forth in this provision, in part, are already covered under our current regulations at 45 CFR 205 and/or the Automated Application Processing and Information Retrieval System (AAPIRS) Guide. The AAPIRS guide requires that a State provide as part of its APD a proposed activity schedule which describes the major project milestones and target dates for phase and task completion. Additionally, our regulations state that FSA will suspend approval of the APD if the State fails to comply with the conditions and criteria set forth in this document. Suspension of approval will result in the disallowance of incentive funds invested to date towards development of the system that exceed the normal administrative FFP.

Agency Contact: Naomi B. Marr, Associate Administrator for, Management and Information Systems, Department of Health and Human Services, Family Support Administration, 330 Independence Ave, SW, Washington, DC 20201, **202 245-0392**

RIN: 0970-AA42

696. ● ESSENTIAL PERSONS

Significance: Agency Priority

Legal Authority: 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 233.20

Legal Deadline: None.

Abstract: The proposed regulation would preclude States from considering individuals to be essential persons for purposes of the AFDC program if they do not provide an essential benefit or service to the family.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	02/29/88	

Small Entity: No

Additional Information: Split off from Regulation 00 Administrative Improvement in the AFDC Program (RIN 0970-AB72)

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, 2100 Second Street, SW, Washington, DC 20201, **202 245-3290**

RIN: 0970-AA44

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Family Support Administration (FSA)

Final Rule Stage

897. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 602

CFR Citation: 45 CFR 205.40(a)(8)

Legal Deadline: None.

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal statutes and regulations when a state plan is not amended to reflect new federal rules, or when a State plan amendment is submitted which is inconsistent with new federal rules but the Department has not yet acted upon it or when a State plan amendment is submitted which is inconsistent with current Federal rules and there is no current applicable State plan provision.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period End	08/19/85	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family

Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA04

898. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 233.36; 45 CFR 237.50; 45 CFR 238.18; 45 CFR 238.20; 45 CFR 238.50; 45 CFR 239.12; 45 CFR 239.14; 45 CFR 239.16; 45 CFR 239.24; 45 CFR 239.58; 45 CFR 239.82; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None.

Abstract: The final regulations will clarify provisions first published in the Interim Final Rules implementing the Deficit Reduction Act of 1984 and as clarified by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	12/31/87	

Small Entity: No

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Family Support Administation, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA06

899. REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SOCIAL SERVICES

Significance: Regulatory Program

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None.

Abstract: This regulation will establish requirements governing refugee cash assistance; refugee medical assistance; and refugee support (social) services, including job search employability services, and employment.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	51 FR 03918
NPRM Comment Period End	04/30/86	
Final Action	11/01/87	
Final Action Effective	12/01/87	

Small Entity: No

Agency Contact: Philip A. Holman, Director, Div. of Policy & Analysis, Department of Health and Human Services, Family Support Administration, Rm 1229, 330 C Street, SW, Washington, DC 20201, 202 245-1027

RIN: 0970-AA10

900. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION -- PUBLIC ASSISTANCE PROGRAM -- QUALITY CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 97-248; PL 96-123

CFR Citation: 45 CFR 205.42; 45 CFR 205.44

Legal Deadline: None.

Abstract: These proposed rules amend the QC regulations under the AFDC program by establishing more definitive criteria to be used in determining whether waivers will be granted to states that fail to meet the statutory error standard.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 21
NPRM Comment Period End	04/03/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Gary Ashcraft, Director, Division of Program Evaluation,OFA, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-2637

RIN: 0970-AA11

901. MEDICAL SUPPORT ENFORCEMENT #2

Significance: Regulatory Program

Legal Authority: 42 USC 652(f); 42 USC 1302

CFR Citation: 45 CFR 306

Legal Deadline: None.

Abstract: These proposed regulations would revise existing requirements governing cooperative agreements between Medicaid and IV-D agencies to provide medical support enforcement services and require enhanced State IV-D agency efforts in medical support enforcement.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19738
Final Action	01/00/88	

Small Entity: No

Additional Information: Related to RIN 0992-AA12 - Medical Support Enforcement.

Agency Contact: Mary Brogan, Program Specialist, Office of Child Support Enforcement, OFA, Department of Health and Human Services, Family Support Administration, 330 C Street, S.W., Washington, DC 20201, 202 245-1774

RIN: 0970-AA13

902. DISREGARD OF CHILD SUPPORT PAYMENTS; REGULATIONS IMPLEMENTING THE DEFICIT REDUCTION ACT OF 1984

Legal Authority: 42 USC 1302; 42 USC 657(b)(1)

CFR Citation: 45 CFR 302.51

Legal Deadline: None.

Abstract: This final rule implements the Deficit Reduction Act of 1984 which amends the Social Security Act to require that the first $50 collected on a monthly support obligation be paid to the Aid to Families with Dependent Children (AFDC) family. This amount does not affect the family's AFDC eligibility or the amount of assistance to which they were entitled.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	12/00/87	

Small Entity: No

HHS—FSA

Final Rule Stage

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 330 C Street, S.W., Washington, DC 20201, 202 245-1979

RIN: 0970-AA15

903. ● PROVISION OF SERVICES IN INTERSTATE IV-D CASES

Legal Authority: 42 USC 1302; 42 USC 654(9)

CFR Citation: 45 CFR 301; 45 CFR 302; 45 CFR 303; 45 CFR 305

Legal Deadline: None.

Abstract: This regulation would clarify the responsibility of the initiating and responding States in referring and processing interstate IV-D cases and would revise existing audit criteria to reflect changes.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43550
NPRM Comment Period End	02/02/87	
Final Action Effective	11/00/87	

Small Entity: No

Agency Contact: Joyce Linder, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 330 C. Street, SW, Washington, DC 20201, 202 245-1773

RIN: 0970-AA23

904. ● ALIEN VERIFICATION PROCEDURES FOR AFDC; STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS; NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: PL 99-603, Sec 121; Immigration Reform and Control Act of 1986

CFR Citation: 42 CFR 431; 42 CFR 435; 45 CFR 205; 45 CFR 206; 45 CFR 232

Legal Deadline: Statutory, October 1, 1987. INS must make an alien verification system that can be accessed by States by October 1, 1987. States may claim 100% reimbursement for implementing and operating SAVE on October 1, 1987.

Abstract: IRCA imposes new procedures on the AFDC, Adult Assistance Programs and Medicaid to verify immigration status of aliens applying for benefits under these programs with the Immigration and Naturalization Service. Under the law, States must be reimbursed at 100% for costs of their implementation and operation to access the alien status verification system. This regulation will specify what costs incurred by states will be subject to 100% reimbursement. To provide uniformity and consistency between the AFDC and Medicaid programs with respect to reimbursement, the proposed rule will be issued jointly with a common preamble.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/87	
Final Action Effective	10/01/87	
Final Action	12/30/87	

Small Entity: No

Additional Information: The IRCA Implementing Task Force serves as the primary focal point for coordinating HHS responsibility under IRCA. The Task Force is the contact source for the issuance of the joint FSA/HCFA rule regarding alien verification procedures under the AFDC, Medicaid and Adult Assistance programs.

Government Levels Affected: State

Agency Contact: Norman L. Thompson, Director, IRCA Implementation Task Force, Department of Health and Human Services, Family Support Administration, 330 Independence Ave, SW, Washington, DC 20201, 202 245-0562

RIN: 0970-AA41

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Family Support Administration (FSA)

Completed Actions

905. PROHIBITION OF FEDERAL FUNDING OF COSTS OF INCARCERATION AND COUNSEL FOR INDIGENT ABSENT PARENTS

CFR Citation: 45 CFR 304.23; 45 CFR 304.27

Completed:

Reason	Date	FR Cite
Final Action	08/26/87	52 FR 32130
Final Action Effective	08/26/87	

Small Entity: No

Agency Contact: Joyce Linder 202 245-1773

RIN: 0970-AA14

906. INTERSTATE CHILD SUPPORT ENFORCEMENT

Significance: Regulatory Program

CFR Citation: 45 CFR 302.36; 45 CFR 303.7; 45 CFR 303.52; 45 CFR 305.20; 45 CFR 305.32

Completed:

Reason	Date	FR Cite
Final Action	06/30/87	

Small Entity: No

Agency Contact: Joyce Linder 202 245-1773

RIN: 0970-AA45

[FR Doc. 87-21792 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-87-1732]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Government National Mortgage Association.

Dated: September 2, 1987.

J. Michael Dorsey,

General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
907	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30

HUD

Office of the Secretary—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
908	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance Loan and Grant Programs (S-3-85; FR-2007)	2501-AA59
909	24 CFR 0058 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs (S-13-86; FR-2316)	2501-AA39
910	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
911	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
912	24 CFR 10 Amending Rules on Rules and FOIA Rules (S-3-87; FR-2320)	2501-AA57
913	24 CFR 15.14 Freedom of Information Reform Act of 1986--Fee Schedule and Fee Waiver Regulations (S-6-87; FR2362)	2501-AA62
914	24 CFR 28 Administrative Remedies for False Claims and Statements (S-2-87; FR-2310)	2501-AA58
915	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
916	24 CFR 50 Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
917	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (S-5-86; FR-2211)	2501-AA40
918	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588))	2501-AA63

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
919	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
920	24 CFR 24 Suspension and Debarment (S-2-79; FR-1676)	2501-AA05
921	24 CFR 24 Debarment Suspension and Limited Denial of Participation--All Sales Exception (S-4-87; FR2356)	2501-AA60
922	24 CFR 58 Environmental Review Procedures - Rental Rehabilitation and Housing Development Grant Program (S-6-84; FR-1965)	2501-AA25
923	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-86; FR-1588)	2501-AA56

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
924	24 CFR 00 Standards of Conduct (S-5-85; FR-2146)	2501-AA31
925	24 CFR 15 Testimony, Production and Disclosure of Material or Information by HUD Employees (S-17-86; FR-2273)	2501-AA51
926	24 CFR 17.65 Authority to Compromise Claims or to Suspend or Terminate Collection Action (S-5-87; FR-2375)	2501-AA61
927	24 CFR 14 Implementation of the Equal Access to Justice Act in Administrative Proceedings (S-2-86; FR-2156)	2501-AA44
928	24 CFR 0813.106 Amendments to Definition of Income (S-12-86; FR-2184)	2501-AA46

HUD

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
929	24 CFR 203 Single Family Mortgage Insurance Premium (H-11-87)	2502-AD93
930	24 CFR 203 FHA Single Family Borrower Eligibility (H-12-87)	2502-AD94
931	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
932	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31
933	24 CFR 3280 Manufactured Home Construction & Safety Construction on Siding & Roofing Materials & Application Criteria (H-8-87; FR2327)	2502-AE06

Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
934	00 CFR 000 Supportive Housing Demonstration Program (H-34-87; FR2385)	2502-AE13
935	24 CFR 200 Use of Materials Bulletin No. 40c - Grademarking of Plywood (H-21-85; FR2407)	2502-AD01
936	24 CFR 200 Issuance of FHA Debentures (H-36-86; FR-2268)	2502-AD68
937	24 CFR 200 Use of Material Bulletin used in HUD Bldg. Product Standards and Certification Program for Mat-Formed Particleboard Sheathing Panels(H-7-87; FR-2322)	2502-AD92
938	24 CFR 200 Revision of Use of Materials Bulletin used in the HUD Bldg. Product Standard and Certification Program (H-4-87; FR2308)	2502-AE04
939	24 CFR 200.935 Rev. of UMB 44d to allow the Use of Carpet in Bathrooms & Kitchens Over a Concrete-Masonry Flooring System and a New Classification System for Carpet (H-20-87; FR 2402)	2502-AE07
940	24 CFR 201 Amendments to the Title I Regulations (H-19-87; FR2370)	2502-AE15
941	24 CFR 203 One-Time Mortgage Insurance Premium for Non-Mutual Fund - Single Family Insurance Program (H-40-84; FR-1930)	2502-AC35
942	24 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
943	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
944	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
945	24 CFR 203 Types of Satisfactory Title Evidence (H-48-86)	2502-AD83
946	24 CFR 203 Elimination of Prohibition on the Payment of Fees to Third Parties in Multifamily Insurance Mortgage Transaction (H-5-87; FR-2314)	2502-AD90
947	24 CFR 203 Deregulation of Post-Endorsement and Loan Origination Fees in FHA Single Family Housing (H-18-87; FR-2333)	2502-AD98
948	24 CFR 203 Single Family Downpayment Requirements (H-17-87; FR-2334)	2502-AD99
949	24 CFR 203 Acceptance of Partial Payments during TMAP/Assignment Processing (H-27-87; FR-2366)	2502-AE08
950	24 CFR 203.366 Mortgagee Charges for Serious Title Defects (H-28-87; FR-2368)	2502-AE11
951	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
952	24 CFR 221.55 Assignment Option (H-44-86)	2502-AD78
953	24 CFR 252 Coinsurance for Nursing Homes and Intermediate Care Facilities (H-32-86; FR-2256)	2502-AD74
954	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations Interpretative Bulletins (H-31-87; FR2380)	2502-AE10
955	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2502-AA73
956	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91
957	24 CFR 882 Section 8 Housing Assistance Payments Programs-- Miscellaneous Amendments (H-19-87; FR-2335)	2502-AE00
958	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
959	24 CFR 885 Loans for Housing for the Elderly or Handicapped--Allocation of Loan Authority, Processing of Applications, Direct Loan Processing Procedures (H-21-87; FR2345)	2502-AE20
960	24 CFR 886 Provision of Section 8 Existing Housing Assistance for Projects at Foreclosure Sales (H-3-86; FR-2158)	2502-AD43
961	24 CFR 886.310 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275)	2502-AD69
962	24 CFR 887 Section 8 Housing Assistance Payments Program - Housing Vouchers (H-42-85; FR-2170)	2502-AD26
963	24 CFR 1710 Land Registration (H-21-86)	2502-AD54
964	24 CFR 1710 Exemption from Interstate Land Sales Registration (H-47-86)	2502-AD81
965	24 CFR 3280 Manufactured Home Construction and Safety Standards - Deregulatory Proposals (H-39-86; FR-2277)	2502-AD59
966	24 CFR 3280.504 Part 3280 - Interpretative Bulletin on the Vapor Barrier Requirements of 24 CFR 3280.504 (H-46-86; FR-2285)	2502-AD82
967	24 CFR 3280 Notice Requesting a Private Organization to Develop and Maintain the Federal Manufactured Home Construction and Safety Standards (H-9-87; FR-2271)	2502-AD85

HUD

Office of Housing—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
968	24 CFR 3280.308 Manufactured Home Construction and Safety Standards - Formaldehyde Regulations (H-10-87; FR-2332)	2502-AE02
969	24 CFR 3280.309 Notice of Formaldehyde; Manufactured Home Construction and Safety (H-23-87; FR2349)	2502-AE21
970	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60
971	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279)	2502-AD61
972	24 CFR 3500 Real Estate Settlement Procedures Act -- Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
973	24 CFR 200 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24
974	24 CFR 200 Minimum Property Standards (MPS) for Housing -- Water Supply Systems (H-31-86; FR-2255)	2502-AD64
975	24 CFR 200.163 Direct Endorsement Underwriter's Certification (H-29-86; FR-2241)	2502-AD71
976	24 CFR 200 Lead Standards in Water Piping - Subpart S - MPS (H-1-87; FR2290)	2502-AE03
977	24 CFR 200 Restrictions on All-Cash Sales (Amendment to Part 200) (H-30-87; FR-2374)	2502-AE12
978	24 CFR 203 Conveyance of One- to Four-Family Properties Occupied by Tenants or Former Mortgagors (H-9-85; FR-2064)	2502-AB10
979	24 CFR 203.49 Insurance of Single Family Adjustable Rate Mortgages (H-32-84; FR-1916)	2502-AC43
980	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
981	24 CFR 203 Single Family Foreclosures--Deficiency Judgements (H-6-86; FR-2193)	2502-AD38
982	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036)	2502-AD65
983	24 CFR 203 Allegany Reservation of the Seneca Nation (H-32-87; FR-2382)	2502-AE09
984	24 CFR 207 Mortgage Insurance Programs under National Housing Act (H-48-81; FR-1525)	2502-AA90
985	24 CFR 215 Preference in the Provision of Housing for Families Who Are Occupying Substandard Housing, Are Involuntarily Displaced, or Are Paying More Than 50% of Family Income (H-22-80; FR-1597)	2502-AA34
986	24 CFR 241 Additional Revisions - Hospital Insurance (H-24-86; FR-2227)	2502-AD70
987	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
988	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
989	24 CFR 882.101 Section 8 Housing Assistance Payments Programs Portability of Section 8 Existing Housing Certificates (H-46-83; FR-1800)	2502-AB88
990	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238)	2502-AD66
991	24 CFR 247 Revisions to Part 886 Termination of Tenancy (H-59-84; FR-1950)	2502-AC59
992	24 CFR 3280 Manufactured Home Construction and Safety Standards - General (H-33-86; FR-2276)	2502-AD58
993	24 CFR 3280 Manufactured Home Construction and Safety Standards - Thermal Energy Standards Deregulation (H-42-86; FR-2280)	2502-AD62

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
994	24 CFR 200.935 Use of Materials Bulletin No. 86 - HUD Building Product Standards and Certification Program for EPDM Roofing (H-106-82)	2502-AA68
995	24 CFR 0200 Definition of Master Conditional Commitment (H-15-86; FR 2123)	2502-AD48
996	24 CFR 200 Manufactured Home Construction and Safety Standards for Lead in Water Piping (H-3-87; FR2296)	2502-AE05
997	24 CFR 0201 Miscellaneous Amendments to Part 201--Property Improvement and Manufactured Home Loans (FR-2171; H-4-86)	2502-AD37
998	24 CFR 201.54 Filing Period for Resubmission of Denied Claims (H-43-86)	2502-AD80
999	24 CFR 201 Mortgage and Loan Insurance Programs; Title I Property Improvement and Manufactured Home Loans (H-22-87; FR2347)	2502-AE16
1000	24 CFR 201 Amendments to the Title I Regulations (H-19-87; FR2370)	2502-AE19
1001	24 CFR 203 Elimination of Closing Costs as an Item Eligible for Inclusion as Part of an FHA Insured Single Family Mortgage (H-10-86; FR-2203)	2502-AD39
1002	24 CFR 203.43 Refinancing of Existing HUD-Insured Mortgages (H-8-86; FR-2197)	2502-AD41

HUD

Office of Housing—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1003	24 CFR 0203 Single Family Claim Settlements - Waivers of Amounts due Mortgagees or HUD of $50 or Less (H-11-86; FR-2204)	2502-AD50
1004	24 CFR 203 Termination of Section 245(b) GPM Program (H-34-86; FR-2266)	2502-AD63
1005	24 CFR 203 Penalties for Mortgagees Conveying Properties with Title Defects (H-16-87)	2502-AD97
1006	24 CFR 203.366 Mortgage Charges for Serious Title Defects (H-28-87; FR-2368)	2502-AE17
1007	24 CFR 207 Multifamily Mortgage Insurance (H-96-82)	2502-AA63
1008	24 CFR 0207.32a Eligibility of Mortgages on Existing Properties - Inspection Fees (H-20-86; FR-2224)	2502-AD47
1009	24 CFR 0207 Requirements for Insurance of Leaseholds on Multifamily Mortgages (H-22-86; FR-2222)	2502-AD53
1010	24 CFR 219 Flexible Subsidy Program (H-48-82)	2502-AA53
1011	24 CFR 232 Interest Rates for Fire Safety Equipment in Nursing Homes to be Set by FR Notice (H-10-85; FR-2065)	2502-AC85
1012	24 CFR 234 Condominium Ownership Mortgage Insurance-1983 Act Amendments (H-71-84; FR-1999)	2502-AC79
1013	24 CFR 235.361 Recovery of Section 235 Assistance Payments (H-18-86)	2502-AD45
1014	24 CFR 255 Technical Revisions - Coinsurance for the Purchase or Refinancing of Multifamily Housing Projects (H-35-86; FR-2267)	2502-AD73
1015	24 CFR 880 Shared Housing in the Section 8 New Construction and Substantial Rehabilitation Programs (H-27-86; FR-2239)	2502-AD67
1016	24 CFR 882 Section 8 Housing Assistance Payments Program-Public Housing Agency Administrative Fees (H-12-86; FR-2207)	2502-AD95
1017	24 CFR 882 Section 8 Moderate Rehabilitation Assistance Program for SRO Dwellings (H-36-87; FR2390)	2502-AE18
1018	24 CFR 885 Section 202 - Loans for Housing for the Elderly or Handicapped (H-10-84; FR-1899)	2502-AC53
1019	24 CFR 886 Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages (H-89-78)	2502-AA41
1020	24 CFR 3282.113 Manufactured Home Procedural and Enforcement Regulations Interpretative Bulletins (H-31-87; FR2380)	2502-AE14

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1021	24 CFR 0042 Uniform Relocation Act Amendments of 1987 (CPD-3-87; FR-2357)	2506-AA78
1022	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
1023	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
1024	24 CFR 0570 Amendments to Community Development Block Grant Regulations; Entitlement Program (CPD-4-86)	2506-AA68
1025	24 CFR 570.450 to 465 Community Development Block Grants, Urban Development Action Grants (CPD-9-86)	2506-AA72
1026	24 CFR 570 Urban Development Action Grant Applications from Consortia of Small Cities (CPD-6-87; FR2381)	2506-AA76
1027	24 CFR 571.702 (b) Indian Community Development Block Grant Program: Revision to Corrective and Remedial Action (CPD-13-84; FR-2102)	2506-AA58
1028	24 CFR 576 Emergency Shelter Grants ('87 Act) (CPD-7-87; FR2387)	2506-AA77

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1029	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
1030	24 CFR 570 Community Development Block Grant Regulations (CPD-6-84; FR-1895)	2506-AA47
1031	24 CFR 575 Emergency Shelter Grant Program (CPD-1-87; FR-2298)	2506-AA74

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1032	24 CFR 511.33 Rental Rehabilitation Program; Reallocation of Rental Rehabilitation Grant Amounts (CPD-5-87; FR-2371)	2506-AA75

HUD

Office of Community Planning and Development—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1033	24 CFR 570 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
1034	24 CFR 0596 Designation of Enterprise Zones (CPD-11-83; FR-1913)	2506-AA45

Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1035	24 CFR 203 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03
1036	24 CFR 390.17 GNMA Fees (GNMA-1-87; FR2395)	2503-AA05

Government National Mortgage Association—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1037	24 CFR 390 Mortgage-Backed Securities - Revision to Date for First Monthly Payment to Principal and Interest (GNMA-1-85; FR-2135)	2503-AA04

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1038	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28
1039	24 CFR 111 Redesign for Fair Housing Assistance Program (FHEO-2-87; FR2403)	2529-AA33
1040	24 CFR 115 Recognition of Jurisdiction with Substantially Fair Housing Laws (FHEO-1-87)	2529-AA31
1041	24 CFR 120 Amendments of the Community Housing Resource Board Regulations (FH&EO-1-85; FR-2085)	2529-AA27

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1042	24 CFR 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities (FH&EO-4-84; FR-770)	2529-AA26
1043	24 CFR 105 Procedure for Processing Complaints under Section 804 of the Fair Housing Act (FH&EO-6-84; FR 2012)	2529-AA24

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1044	24 CFR 100 Affirmative Fair Housing, Marketing Technical Amendments (FH&EO-2-83; FR-1670)	2529-AA17
1045	24 CFR 111 Audit Requirements for the Fair Housing Assistance Program and the Community Housing Resource Boards (FH&EO-1-86; FR-2140)	2529-AA30
1046	24 CFR 111 Fair Housing Assistance Program; Program Description and Eligibility Criteria (FHEO-2-87)	2529-AA32

HUD

Office of Fair Housing and Equal Opportunity—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1047	24 CFR 146 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HUD (FH & EO-1-79; FR-1161)	2529-AA01

Office of Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1048	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1049	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10
1050	24 CFR 29 OMB Cir. A-110, Uniform Administrative Requirements for Grants and Agreements with Universities, Hospitals and Other Nonprofit Organizations (ADM-1-87; FR2376)	2535-AA15
1051	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1052	24 CFR 0045 OMB Circular A-102, Uniform Requirement for Assistance to State and Local Governments (ADM-1-86, FR-2178)	2535-AA13

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1053	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
1054	24 CFR 905 Indian Housing Program--Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1055	24 CFR 905.211 Preemption of Certain State-Determined Prevailing Wage Rates Applicable to Public and Indian Housing Projects (P-6-86; FR-2231)	2577-AA42
1056	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1057	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40
1058	24 CFR 968.12(i) Decontrol of Public Housing Authorities; CIAP Development (P-5-87; FR2406)	2577-AA48
1059	24 CFR 969 Effects of Debt Forgiveness on Public Housing Agency Annual Contributions Contracts (P-6-87; FR2409)	2577-AA51
1060	24 CFR 989 PHA Obligations with respect to Residual Receipts in the Public Housing, Turnkey III, and Sec. 23 Programs; (P-2-87; FR2354; formerly H-27-87)	2577-AA49
1061	24 CFR 989 Disallowance of Legal Fees; Litigation Controls for HUD Assistance Recipients (P-2-85; FR-2134)	2577-AA33
1062	24 CFR 990.102 Change in Inflation Factor Used to Calculate Public Housing Operating Subsidy (P-1-87 (formerly H-24-87); FR-2353)	2577-AA47

HUD

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1063	24 CFR 968 Public and Indian Housing - Cost Containment Procedures (P-1-86; FR-2191)	2577-AA37
1064	24 CFR 905.20y Indian Preference (P-4-87; FR2391)	2577-AA50
1065	24 CFR 960 Public Housing -- Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1066	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
1067	24 CFR 968 Public and Indian Housing Cost Containment Procedures - Comprehensive Improvement Assistance Program and Indian Housing (P-9-86; FR-2262)	2577-AA43

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1068	24 CFR 913 Revised Occupancy Policies in Public and Indian Housing (P-7-86; FR-2240)	2577-AA41
1069	24 CFR 941 Public and Indian Housing - Application Processing Procedures (P-10-86; FR-1946)	2577-AA44
1070	24 CFR 990.108 Technical Amendments to the Performance Funding System for Public Housing Operating Subsidy (P-3-87 (formerly H-26-87); FR-2355)	2577-AA46

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Prerule Stage

Office of the Secretary (HUDSEC)

907. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None.

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, **202 755-6611**

RIN: 2501-AA30

908. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE LOAN AND GRANT PROGRAMS (S-3-85; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None.

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving mortgage insurance, loans and grants.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Replaced RIN: 2502-AC76

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6611**

RIN: 2501-AA59

909. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS (S-13-86; FR-2316)

Legal Authority: EO 11514; EO 11991; 42 USC 1437(i); 42 USC 4332; 42 USC 5304(f)

CFR Citation: 24 CFR 0058

Legal Deadline: None.

HUD—HUDSEC

Prerule Stage

Abstract: This rule is related to RIN: 2501-AA25 (S-6-84; FR-1965). It proposes revisions in the regulations governing environmental review, decisionmaking and other actions by recipients of HUD assistance under the CDBG, Rental Rehabilitation and Housing Development grant programs that are not appropriate for final rulemaking. The proposed rulemaking is intended to solicit comments from the public on revisions to environmental policy that program experience has indicated may enhance compliance with NEPA, other environmental authorities and HUD legislation under the affected assistance programs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Charles E. Thomsen, Architect, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA39

910. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None.

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Proposed Rule Stage

911. ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Legal Deadline: None.

Abstract: This rule would remove regulations that are obsolete or duplicative. The rule would also decontrol some programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Tim Coward, Attorney Advisor, Office of Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501-AA50

912. AMENDING RULES ON RULES AND FOIA RULES (S-3-87; FR-2320)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 10; 24 CFR 15; 24 CFR 1720

Legal Deadline: None.

Abstract: The Department is reviewing its procedural rules to determine to what extent they need to be updated. This includes the rules the Department uses in developing new rules or amending existing regulations, and the procedures the public may use in commenting on a rulemaking or must use to obtain information from HUD under the Freedom of Information Act as well as procedures applicable to the Interstate Land Sales Registration Program. It is the Department's intention to streamline procedures, to make procedures more uniform, to clarify procedures for public petition for rulemaking, and to be more explicit about the kinds of rulemaking that will be subject to public participation and the circumstances under which rules may receive expedited treatment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501-AA57

913. ● FREEDOM OF INFORMATION REFORM ACT OF 1986--FEE SCHEDULE AND FEE WAIVER REGULATIONS (S-6-87; FR2362)

Legal Authority: 5 USC 552

CFR Citation: 24 CFR 15.14; 24 CFR 15.15; 24 CFR 15.16; 24 CFR 15.17; 24 CFR 15.18; 24 CFR 15.21; 24 CFR 15.31; 24 CFR 15.32; 24 CFR 15.33; 24 CFR 15.41; 24 CFR 15.42; 24 CFR 2002

Legal Deadline: None.

Abstract: Rule conforms HUD's FOIA Authorities in 24 CFR Parts 15 and 2002 to requirements of Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 35923
Final Action	12/00/87	
Final Action Effective	03/00/88	

Small Entity: Undetermined

Agency Contact: David D. White, Assistant General Counsel for Administrative, Law, Department of Housing and Urban Development,

Office of the General Counsel, **202 755-7137**

RIN: 2501-AA62

914. ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS (S-2-87; FR-2310)

Significance: Agency Priority

Legal Authority: PL 99-501

CFR Citation: 24 CFR 28

Legal Deadline: Statutory, April 21, 1987.

Abstract: This rule would implement the Program Fraud Civil Remedies Act of 1986 by establishing administrative procedures for imposing civil penalties and assessments against persons who file false claims or statements while applying for certain benefits provided by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Patricia M. Black, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7200**

RIN: 2501-AA58

915. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 46

Legal Deadline: None.

Abstract: In response to a Presidential Commission, an Interagency Task Force on the Protection of Human Subjects in Research has proposed that all Federal agencies adopt a common policy and uniform regulations for the protection of human subjects in research.

HUD has agreed to adopt the policy and to issue a regulation based on a model to be promulgated by the Office of Science and Technology Policy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Compliance costs for HUD's adoption of the model regulation will be minimal, because almost all research conducted by HUD falls within categories exempted from the requirements of the model regulation. The infrequent projects that may not be exempt (perhaps one every two years) have in the past been proposed by organizations already subject to the Department of Health and Human Services regulation, and thus would not have any incremental compliance costs for the organization, other than the actual project requirements.

Costs would be slight.

Affected Sectors: Profit and Non-profit Research Organizations.

Levels of Government Affected: only HUD itself.

Agency Contact: Arthur S. Newburg, Senior Advisor for Research Management, Department of Housing and Urban Development, Office of the Secretary, **202 755-6230**

RIN: 2501-AA15

916. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 50; 24 CFR 55; 24 CFR 58; 24 CFR 200

Legal Deadline: None.

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988 and FEMA's regulations for its National Flood Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-7894**

RIN: 2501-AA23

917. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (S-5-86; FR-2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None.

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Kathy Beckwith, Department of Housing and Urban Development, Office of the Secretary, Office of Labor Relations, **202 755-5370**

RIN: 2501-AA40

918. ● RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: None.

Abstract: This proposed rule will implement section 214 of the Housing and Community Development Act of 1980, as amended in 1981 and 1986. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and

HUD—HUDSEC **Proposed Rule Stage**

the Section 235 homeownership assistance program.

This rule will replace the rule published on April 1, 1986, which was not made effective, but is being withdrawn. This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or approval of a mortgage application).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: A final rule was published on this subject with RIN: 2501-AA56 on April 1, 1986, but it was not made effective. That rule is being withdrawn and this proposed rule will be the means of implementing the statutory requirements regarding restrictions on housing assistance to ineligible aliens.

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501-AA63

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Final Rule Stage

Office of the Secretary (HUDSEC)

919. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None.

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7184

RIN: 2501-AA55

920. SUSPENSION AND DEBARMENT (S-2-79; FR-1676)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None.

Abstract: This proposed rule would make additional conforming changes to Part 24 based on the OMB final Guidelines for Nonprocurement Debarment and Suspension. The most substantive of these changes would (1) provide for government-wide effect of sanctions to all tiers of nonprocurement participants; and (2) implement a participant certification requirement that would require certain participants to verify that they have not, in the preceding three years, been subjected to, or been proposed for, sanctions or otherwise been indicted, convicted or had a civil judgment rendered against them for specified offenses.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46072
NPRM Comment Period End	12/12/83	48 FR 46072
Interim Final Rule	10/02/87	52 FR 37112
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: No

Agency Contact: Patricia Black, Asst Gen Coun for Insp Gen & Admn Proceedngs, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7200

RIN: 2501-AA05

921. ● DEBARMENT SUSPENSION AND LIMITED DENIAL OF PARTICIPATION--ALL SALES EXCEPTION (S-4-87; FR2356)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None.

Abstract: This interim rule would delete or modify the all-cash sales exception at 24 CFR Section 24.3. Under the existing provision, individuals are permitted to purchase HUD-owned property at all-cash, public sales despite the imposition of sanctions under Part 24. This provision will be modified or removed entirely under the interim rule as a response to fraudulent practices experienced by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	

Small Entity: Undetermined

Agency Contact: Patricia Black, Assistant General Counsel for, Inspector General & Admin Proceedings, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7200

RIN: 2501-AA60

922. ENVIRONMENTAL REVIEW PROCEDURES - RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAM (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None.

Abstract: This agenda item makes final two outstanding interim rules. These

rules provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3) additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) (CONT)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Rule Effective	07/31/84	49 FR 23610
Final Action	11/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, 202 755-6611

RIN: 2501-AA25

923. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-86; FR-1588)

Significance: Regulatory Program

Legal Authority: 42 USC 1436a; PL 99-603

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 912

Legal Deadline: None.

Abstract: Section 214 of the Housing and Community Development Act of 1980, as amended by section 329 of the Housing and Community Development Amendments of 1981 and by the Immigration Reform and Control Act of 1986, prohibits the Secretary from making financial assistance available under certain HUD programs for the benefit of any alien who is not a lawful resident of the United States under the Immigration and Nationality Act. The programs affected are public and Indian housing, the Section 8 Housing Assistance Payments programs, the Housing Voucher program, the Rent Supplement program, the section 235 assisted homeownership program, and the section 236 rental housing program.

These laws require that an applicant or participant in the programs declare whether he or she is a citizen or alien, and if an alien, the person must submit documents to show eligible status. Alien status will be verified with the Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/86	51 FR 11198
Postponement of Effective Date	11/21/86	51 FR 40288
Final rule withdrawing April 1,1986	11/00/87	

Small Entity: No

Additional Information: This rule was removed from the agenda when the final rule was published in April of 1986. It was first expected to be made effective in July, and then in September. Now that there is a new law to be implemented, the Immigration Reform and Control Act of 1986, and the Department has been prohibited from spending appropriated funds to enforce the April 1986 rule in fiscal year 1987, it has been decided that (1) a final rule withdrawing the April 1, 1986 rule will be published closing out this item; and (2) a new proposed rule will be published to implement the 1980 Act as amended in 1981 and 1986 (and possibly in 1987)--see new agenda entry for S-7-87, FR-2383.

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director; Rental and Occupancy Branch; Office of Public Housing; 202-426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501-AA56

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Completed Actions

924. STANDARDS OF CONDUCT (S-5-85; FR-2146)

CFR Citation: 24 CFR 00

Completed:

Reason	Date	FR Cite
Final Action	07/17/87	52 FR 27110
Final Action Effective	09/18/87	52 FR 27110

Small Entity: No

Agency Contact: David D. White 202 755-7137

RIN: 2501-AA31

925. TESTIMONY, PRODUCTION AND DISCLOSURE OF MATERIAL OR INFORMATION BY HUD EMPLOYEES (S-17-86; FR-2273)

CFR Citation: 24 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	04/15/87	52 FR 12159
Final Action Effective	05/20/87	52 FR 12159

Small Entity: No

Agency Contact: Carolyn B. Lieberman 202 755-7250

RIN: 2501-AA51

HUD—HUDSEC — **Completed Actions**

926. ● AUTHORITY TO COMPROMISE CLAIMS OR TO SUSPEND OR TERMINATE COLLECTION ACTION (S-5-87; FR-2375)

Legal Authority: 31 USC 3711; 31 USC 3716; 31 USC 3718; 05 USC 5514; 05 USC 2653; 31 USC 3720A

CFR Citation: 24 CFR 17.65

Legal Deadline: None.

Abstract: This final rule expands the authority of HUD claims collection officers to compromise claims or to suspend or terminate collection actions under the Debt Collection Act beyond the current $400 limit, up to a maximum amount to be established periodically by the Assistant Secretary for Administration. Rule also enables Title I Insurance Division to compromise, suspend or terminate collection action on property improvement loans and manufactured home loans that exceed $20,000, instead of limiting such authority to property improvement loans.

Timetable:

Action	Date	FR Cite
Final Action	09/21/87	52 FR 35413
Final Action Effective	10/26/87	52 FR 35413

Small Entity: Undetermined

Agency Contact: Samuel B. Rothman, Office of General Counsel, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7184

RIN: 2501-AA61

927. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN ADMINISTRATIVE PROCEEDINGS (S-2-86; FR-2156)

CFR Citation: 24 CFR 14; 24 CFR 20.10

Completed:

Reason	Date	FR Cite
Final Action	07/17/87	52 FR 27124
Final Action Effective	09/18/87	52 FR 27124

Small Entity: No

Agency Contact: Grant E. Mitchell 202 755-6550

RIN: 2501-AA44

928. AMENDMENTS TO DEFINITION OF INCOME (S-12-86; FR-2184)

CFR Citation: 24 CFR 0813.106; 24 CFR 0913.106; 24 CFR 0215.21; 24 CFR 0236.3

Completed:

Reason	Date	FR Cite
Final Action	09/09/87	52 FR 34108
Final Action Effective	11/01/87	52 FR 34108

Small Entity: No

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2501-AA46

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Prerule Stage

Office of Housing (OH)

929. SINGLE FAMILY MORTGAGE INSURANCE PREMIUM (H-11-87)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: FHA single-family mortgage insurance premiums would be set at levels comparable to those charged by the highest rated private mortgage insurers. Specifically, the mortgage insurance premium (MIP) will be calculated as if HUD were a AAA Moody's-rated private mortgage insurer. Such an MIP calculation would assume that FHA were required to maintain sufficient reserves to withstand Moody's 10-year depression stress test, earn a market return on an imputed tax rate on its "earnings", etc. Pending approval of a legislative amendment removing the present cap on FHA premiums, this regulation will be deferred.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD93

930. FHA SINGLE FAMILY BORROWER ELIGIBILITY (H-12-87)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Implement legislation (proposed) to limit eligibility in the FHA single family insurance program to buyers of primary residences.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD94

931. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None.

Abstract: Rule will restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income

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housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, **202 755-3970**

RIN: 2502-AC49

932. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

Legal Authority: PL 98-181, Sec 217

CFR Citation: 24 CFR 219

Legal Deadline: None.

Abstract: Implements section 217 of the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of the General Counsel, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502-AC31

933. MANUFACTURED HOME CONSTRUCTION & SAFETY CONSTRUCTION ON SIDING & ROOFING MATERIALS & APPLICATION CRITERIA (H-8-87; FR2327)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This Advance Notice of Proposed Rulemaking requests public comment on those portions of the Manufactured Home Construction and Safety Standards (Standards) that are applicable to the materials and application criteria for external coverings. The Department is concerned that certain siding and roofing materials, more common to conventional-type construction may not be compatible in important aspects with typical manufactured home construction. Consumer complaint information indicates that the current Standards do not address certain important problems areas.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Hsg. &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, **202 755-6590**

RIN: 2502-AE06

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Proposed Rule Stage

Office of Housing (OH)

934. ● SUPPORTIVE HOUSING DEMONSTRATION PROGRAM (H-34-87; FR2385)

Legal Authority: 42 USC 11381-88

CFR Citation: 00 CFR 000

Legal Deadline: None.

Abstract: This proposed rule would implement the Supportive Housing Demonstration Program contained in Subtitle C of Title IV of the Stewart B. McKinney Homeless Housing Act (Pub. L. 100-77, approved July 22, 1987). The program is designed to develop innovative approaches to providing supportive housing especially to deinstitutionalized homeless individuals, homeless families with children and homeless individuals with mental disabilities and other handicapped persons.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly & Assisted, Housing, Department of Housing and Urban Development, Office of Housing, **202 755-5720**

RIN: 2502-AE13

935. USE OF MATERIALS BULLETIN NO. 40C - GRADEMARKING OF PLYWOOD (H-21-85; FR2407)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, **202 755-5718**

RIN: 2502-AD01

936. ISSUANCE OF FHA DEBENTURES (H-36-86; FR-2268)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 207

Legal Deadline: None.

Abstract: This proposed rule would amend HUD regulations to authorize the transfer of authority for the issuance of FHA Debentures from United States Department of the Treasury to the Federal Reserve Bank of Philadelphia.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

HUD—OH

Proposed Rule Stage

Agency Contact: Robert A. Spiegel, Office of Finance and Accounting, Department of Housing and Urban Development, Office of Administration, 202 755-5256

RIN: 2502-AD68

937. USE OF MATERIAL BULLETIN USED IN HUD BLDG. PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR MAT-FORMED PARTICLEBOARD SHEATHING PANELS(H-7-87; FR-2322)

Legal Authority: 42 USC 3535(d); 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would adopt UMB 88 that reference a standard of the American National Standards Institute (ANSI A 208.1.1979).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Leslie Breden, Office of Manufactured Hsg. & Reg. Functions, Department of Housing and Urban Development, Office of Housing, 202 755-5929

RIN: 2502-AD92

938. REVISION OF USE OF MATERIALS BULLETIN USED IN THE HUD BLDG. PRODUCT STANDARD AND CERTIFICATION PROGRAM (H-4-87; FR2308)

Legal Authority: 12 USC 3535(d)

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would revise the following existing UM Bulletins in order to update the standards referenced in the UM's in accordance with 24 CFR 2009.35.

UM 39a Aluminum Windows, Sliding Glass Doors and Storm Doors UM 48a Pressure Treated Lumber & Plywood UM 52a Wood Flush Doors UM 71 Polystyrene Form Insulation Sheathing Board UM 54 Solid Fuel Type Room Heaters & Fireplace Stove.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Leslie H. Breden, Officed of Manufactured Housing & Regulatory, Functions, Department of Housing and Urban Development, Office of Housing, 202 755-5929

RIN: 2502-AE04

939. REV. OF UMB 44D TO ALLOW THE USE OF CARPET IN BATHROOMS & KITCHENS OVER A CONCRETE-MASONRY FLOORING SYSTEM AND A NEW CLASSIFICATION SYSTEM FOR CARPET (H-20-87; FR 2402)

Legal Authority: Technical Suitability of Products Program of the Nat'l Hsg Act

CFR Citation: 24 CFR 200.935

Legal Deadline: None.

Abstract: A revised standard for carpet was issued on June 23, 1986 as Use of Materials Bulletin No. 44d to recognize the use of wall-to- wall carpet as a technically suitable material for finished flooring. The value of carpet is included in HUD mortgage insurance programs. A typical life for carpet of 8 years was used to compare the replacement cost of carpet versus other materials used as flooring such as ceramic tile, or vinyl tile or sheet flooring. Any reduction in the life expectancy that would increase the replacement cost of carpet also would not be a reasonable economic justification for including the cost of carpet under HUD's mortgage insurance program. The American Textile Manufacturers Institute has recommended the use of carpet in bathrooms and kitchens provided that they are composed of nylon of textures A,B, or C Type I Class 2 or polypropylene of textures A or B Type I Class 2, and is maintained properly. HUD (CONT'D)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: (ABSTRACT CONT'D) is revising UM 44d to incorporate these changes in a proposed rule provided that the carpet is applied over a concrete-masonry flooring system. Comments on this change to UM 44d will be requested. In addition, a new classification system for attached cushion is proposed.

Agency Contact: Donald R. Fairman, Chief, Technical Support Branch, Manf. Hsg. & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502-AE07

940. ● AMENDMENTS TO THE TITLE I REGULATIONS (H-19-87; FR2370)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None.

Abstract: This rule would involve the following revisions to the Title I loan insured program;(1) a requirement that affected new manufactured homes meet the thermal energy requirements in HUD's minimum Property Standards; (2) restrictions on the use of loan proceeds for the acquisition of furniture; (3) a reduction of the length of hazard insurance coverage; (4) an increase in the property improvement loan amount on which a security interest is required and (5) the collection of a higher percentage of the loan insurance premium in the early years when the risks of default are greatest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Robert J. Coyle, Director, Title I Insurance Division, Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502-AE15

941. ONE-TIME MORTGAGE INSURANCE PREMIUM FOR NON-MUTUAL FUND - SINGLE FAMILY INSURANCE PROGRAM (H-40-84; FR-1930)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 221; 24 CFR 226; 24 CFR 227; 24 CFR 234

Legal Deadline: None.

Abstract: This rule would extend the one-time mortgage insurance premium provision for single-family mortgages to funds other than the Mutual Mortgage Insurance Fund.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: James B. Mitchell, Director, Department of Housing and Urban Development, Office of Housing, Financial Policy Division, 202 426-4325

RIN: 2502-AC35

942. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at which time, the mortgagee is expected to produce all the supporting receipts, payment ledger records, etc.

Regulations will be changed to specify the retention period and file contents for records supporting single family claim payments and mortgagee reviews.

Timetable:

Action	Date	FR Cite
NPRM	02/01/88	

Small Entity: Yes

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AC50

943. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: The new single family process provides for "random audits" of mortgagees' records when single family claims for insurance benefits are filed with HUD. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Linda Gibbs, Director, Mortgage Insurance Accounting and, Servicing, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-2632

RIN: 2502-AC54

944. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None.

Abstract: Proposed regulation to protect HUD against suits brought under the Federal Tort Claims Act claiming negligent inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single, Family Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AC92

945. TYPES OF SATISFACTORY TITLE EVIDENCE (H-48-86)

Significance: Agency Priority

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would amend 24 CFR 203.385 to withdraw approval for use of attorney certificates of title used with mortgagee title policies and abstracts of title and attorneys' opinions. This change is intended to accommodate a plan for HUD to provide general warranty deeds to the purchasers of HUD 1-to-4-family properties. The amended regulation would provide approval for only those evidences of title which will provide protection to HUD even after sale of the property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single, Family Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-3046

RIN: 2502-AD83

946. ELIMINATION OF PROHIBITION ON THE PAYMENT OF FEES TO THIRD PARTIES IN MULTIFAMILY INSURANCE MORTGAGE TRANSACTION (H-5-87; FR-2314)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule proposes to allow mortgagees to share the fees permitted in connection with multifamily insurance transactions with other parties provided that no portion of the shared fee may be paid to the mortgagor or principals of the mortgagor entity.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James Hamernick, Director, Office of Insured Multifamily Hsg, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD90

947. DEREGULATION OF POST-ENDORSEMENT AND LOAN ORIGINATION FEES IN FHA SINGLE FAMILY HOUSING (H-18-87; FR-2333)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Post-endorsement fees in the FHA single family program will be deregulated, as will loan origination fees.

HUD—OH

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD98

948. SINGLE FAMILY DOWNPAYMENT REQUIREMENTS (H-17-87; FR-2334)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: A minimum 5 percent downpayment (as a percent of purchase price) will be required in the single family program for families earning over $40,000 per year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD99

949. ● ACCEPTANCE OF PARTIAL PAYMENTS DURING TMAP/ASSIGNMENT PROCESSING (H-27-87; FR-2366)

Legal Authority: 12 USC 1715u

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This proposed rule would require a mortgagee to accept partial payments during the period after initial default when the mortgagor is being considered for foreclosure relief--either TMAP or assignment. It would also encourage mortgagors to make partial payments during the period by permitting consideration of the mortgagor's efforts to pay during this period as part of the determination of whether the mortgagor has a reasonable prospect of being able to resume full payments and repay the entire indebtedness.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John Coonts, Deputy Director, Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AE08

950. ● MORTGAGEE CHARGES FOR SERIOUS TITLE DEFECTS (H-28-87; FR-2368)

Legal Authority: 12 USC 1710; 12 USC 1715(b); 12 USC 1709

CFR Citation: 24 CFR 203.366; 24 CFR 203.403

Legal Deadline: None.

Abstract: Proposed rule is intended to impose graduated charges on mortgagees who convey FHA-insured properties to HUD with serious title defects. These charges would increase with the length of time required by the mortgagee to rectify the defects.

Exploring the base on which the graduated charges will be calculated; i.e., whether to use a percentage of the total insured claim or materials averages of daily holding costs.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Undetermined

Agency Contact: Jacqueline Campbell, Dir., Single Family Property Disposition, Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502-AE11

951. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None.

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC73

952. ASSIGNMENT OPTION (H-44-86)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 221.55

Legal Deadline: None.

Abstract: This rule would make it possible for a mortgagee to net the escrow from the claim amount on automatic assignments. The escrow account can be built through a non-cash transaction in the Thrift system. This would eliminate misrouting of checks through the mail.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Linda Gibbs, Director, Mortgage Insurance Accounting and Servicing, Department of Housing and Urban Development, Office of Housing, 202 755-2632

RIN: 2502-AD78

953. COINSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES (H-32-86; FR-2256)

Legal Authority: 12 USC 1715z(9)

CFR Citation: 24 CFR 252

Legal Deadline: None.

Abstract: The rule would authorize the coinsurance of mortgages covering nursing homes or intermediate care facilities pursuant to section 244 of the National Housing Act. It would also authorize the full insurance of existing nursing homes or intermediate care facilities pursuant to section 223(f) of the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: James L. Hamernick, Director, Office of Insured Multifamily Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD74

954. ● MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS INTERPRETATIVE BULLETINS (H-31-87; FR2380)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Legal Deadline: None.

Abstract: This proposed rule would amend the Manufactured Home Procedural and Enforcement Regulations in order to remove the issuance of Interpretative Bulletins from the rulemaking process. The purpose of this procedural modification is to promote efficiency in issuing Interpretative Bulletins so that important guidance can be provided to the manufactured housing industry in a timely manner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AE10

955. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None.

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula, including some modifications to the factors making up the formula; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: Includes: H-4-81, FR-1512.

Agency Contact: Stephen Cooley, Office of Housing Policy, Department of Housing and Urban Development, Office of Housing, 202 755-6454

RIN: 2502-AA73

956. CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None.

Abstract: Upon publication of the Department's housing voucher regulation, work will begin to incorporate into Part 882, containing the Section 8 Certificate regulations, the various policies and simplified procedures of housing vouchers that can be applied to certificates.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD91

957. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS— MISCELLANEOUS AMENDMENTS (H-19-87; FR-2335)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 882; 24 CFR 888

Legal Deadline: None.

Abstract: This rule would effect miscellaneous changes in the Section 8 Existing Housing Program aimed at promoting efficiency and uniformity in the several subprograms under Section 8. This proposal will make changes in the procedures associated with Annual Adjustments to rent, to facilitate downward adjustments in the annual adjustment factors where relevant indices of costs and prices call for such adjustments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AE00

958. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None.

Abstract: This rule would amend HUD's current regulations on loans for housing for the elderly or handicapped. The proposed regulation would add regulatory provisions to govern section 202/8 project operations and management; would incorporate changes required by recent statutory amendments governing housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC03

959. ● LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED--ALLOCATION OF LOAN AUTHORITY, PROCESSING OF APPLICATIONS, DIRECT LOAN PROCESSING PROCEDURES (H-21-87; FR2345)

Legal Authority: 12 USC 1701g

CFR Citation: 24 CFR 885

Legal Deadline: None.

Abstract: This proposed rule would revise Part 885 procedures governing the allocation of loan funds, processing of application for fund reservation, and direct loan processing. The proposed changes would implement certain provisions of the Housing and Urban-Rural Recovery Act of 1983, incorporate fund reservation requirements regularly included in HUD's annual announcement of fund availability and invitation for applications, and make certain other modification.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wilden, Assisted Elderly and Handicapped Housing, Division, Department of Housing and Urban Development, Office of Housing, 202 755-8730

RIN: 2502-AE20

960. PROVISION OF SECTION 8 EXISTING HOUSING ASSISTANCE FOR PROJECTS AT FORECLOSURE SALES (H-3-86; FR-2158)

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k)

CFR Citation: 24 CFR 886; 24 CFR 27

Legal Deadline: None.

Abstract: This proposed rule would amend Parts 886 and 27 to make Section 8 assistance available for projects sold at foreclosure sales.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AD43

961. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.310; 24 CFR 886.330; 24 CFR 886.331; 24 CFR 886.334; 24 CFR 886.322; 24 CFR 886.333; 24 CFR 886.122

Legal Deadline: None.

Abstract: This proposed rule would amend Part 886 which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and the Section 8 housing assistance payments program for the disposition of HUD owned projects (Subpart C). This rule would (1) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Amendments of 1984; (2) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of projects under Subpart C and (3) make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502-AD69

962. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - HOUSING VOUCHERS (H-42-85; FR-2170)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 887

Legal Deadline: None.

Abstract: The Department has proposed legislation to make the Housing Voucher Demonstration Program a permanent housing assistance payment program, and currently is developing a final rule based on the Housing Voucher Notices of Funding Availability for Fiscal Years 1984, 1985, and 1986. The rule will enhance the administration of the Housing Voucher Program. If approved as a permanent program, Housing Vouchers would become the principal vehicle for future funding of housing assistance payments under Section 8 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
NPRM	08/14/87	52 FR 30388
NPRM Comment Period End	09/14/87	52 FR 30388
Final Action	12/00/87	
Final Action Effective	03/00/88	

Small Entity: No

Agency Contact: Gerald Benoit, Director, Housing Voucher Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6477

RIN: 2502-AD26

963. LAND REGISTRATION (H-21-86)

Legal Authority: 15 USC 1701

CFR Citation: 24 CFR 1710

Legal Deadline: None.

Abstract: This rule would adjust the reporting and registering requirements for land registration and adjust the fee payment procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Lionel Cabrera, Chief, Land Sales Policy Examination Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502-AD54

964. EXEMPTION FROM INTERSTATE LAND SALES REGISTRATION (H-47-86)

Significance: Agency Priority

Legal Authority: 15 USC 1718; 42 USC 3535(d)

CFR Citation: 24 CFR 1710

Legal Deadline: None.

Abstract: The Department is proposing to amend the regulatory exemption section of its regulations to provide further relief from registration requirements with no loss in consumer protection.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: John L. Brady, Director, Interstate Land Registration Division, Department of Housing and Urban Development, Office of Housing, 202 755-0502

RIN: 2502-AD81

965. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - DEREGULATORY PROPOSALS (H-39-86; FR-2277)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This rule will amend the Manufactured Home Construction and Safety Standards by deregulating matters which are not related to health, safety or durability issues. Rule will also reduce the Federal role in the Standards by referencing appropriate private sector requirements in lieu of maintaining government-originated criteria.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Mark W. Holman, Acting Director, Manufactured Hsg &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD59

966. PART 3280 - INTERPRETATIVE BULLETIN ON THE VAPOR BARRIER REQUIREMENTS OF 24 CFR 3280.504 (H-46-86; FR-2285)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280.504

Legal Deadline: None.

Abstract: This interpretative bulletin will propose to interpret 24 CFR 3280.504, a provision of the Federal Manufactured Home Construction and Safety Standards, as prohibiting the use of ventilation systems using ceiling vents that discharge inside conditioned air into the attic/ceiling cavity. Section 3280.504 (a) currently requires ceilings to have a vapor barrier having a permeance not greater than 1 perm (dry cup method) installed on the lining side of the roof cavity. This proposed interpretation will clarify that ceiling-vent systems as described above violate section 3280.504(a) by intentionally allowing air migration into the ceiling cavity.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD82

967. NOTICE REQUESTING A PRIVATE ORGANIZATION TO DEVELOP AND MAINTAIN THE FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-9-87; FR-2271)

Significance: Regulatory Program

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: In the Notice, HUD requested a private standards organization to develop and maintain the Federal Manufactured Home Construction Construction and Safety Standards (FMHCSS) (24 CFR Part 3280). HUD published a Notice in the FEDERAL REGISTER of February 13, 1987 (52 FR 4663 that announced HUD's interest in having a nationally recognized building code or model industry standards redraft all of the HUD standards now in the FMHCSS. HUD would retain the responsibility and authority to promulgate and enforce revisions to the FMHCSS, after formal notice and comment rulemaking. Model standards developed under this process would then become preemptive and be enforced as HUD standards.

Timetable:

Action	Date	FR Cite
ANPRM	02/13/87	52 FR 4663
ANPRM Comment Period End	04/14/87	52 FR 4663
Next Action Undetermined		

Small Entity: No

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing and, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD85

968. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - FORMALDEHYDE REGULATIONS (H-10-87; FR-2332)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280.308; 24 CFR 3280.309; 24 CFR 3280.406

Legal Deadline: None.

Abstract: Medium density fiberboard is not currently covered by the standards but is a major emitter of formaldehyde. It is used extensively in cabinet construction and can cause problems similar to particleboard or plywood, materials already regulated by the standards.

Second, the Department has received a number of complaints concerning the language and posting requirements of the health notice. Consideration will be given to different notice requirements if the manufactured home meets more than the minimum standard of formaldehyde levels.

Third, the current rule requires recertification of plywood and particleboard following treatment with a product containing formaldehyde.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban

HUD—OH **Proposed Rule Stage**

Development, Office of Housing, 202 755-5210

RIN: 2502-AE02

969. ● NOTICE OF FORMALDEHYDE; MANUFACTURED HOME CONSTRUCTION AND SAFETY (H-23-87; FR2349)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280.309

Legal Deadline: None.

Abstract: This rule would revise the Health Notice on formaldehyde emissions required under the Manufactured Home Construction and Safety Standards at 24 CFR 3280.309. The primary revisions would involve the shortening of the background information in the Notice on health risks arising from formaldehyde and engineering options to reduce formaldehyde levels, and the addition of an option for manufacturers concerning the location of the Notice.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE21

970. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None.

Abstract: This rule would propose revisions to HUD enforcement regulations at 24 CFR Part 3282 to improve the effectiveness of Production Inspection Primary Inspection Agencies (IPIAs).

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17411
NPRM	11/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD60

971. MANUFACTURED HOME DESIGN INSPECTION SYSTEM (H-41-86; FR-2279)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None.

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification,among other revisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD61

972. REAL ESTATE SETTLEMENT PROCEDURES ACT – CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None.

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The potential costs cannot be accurately projected but are believed to be incidental. The rule will also contain other miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: John Coonts, Office of Insured Single Family Housing, (202) 755-3046.

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, Fiscal Management and Energy Division, 202 755-6550

RIN: 2502-AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage

Office of Housing (OH)

973. ● APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None.

Abstract: Would insure financing of properties with manufactured homes under Title II of the National Housing Act, as a means to broaden affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

HUD—OH

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Morris Carter, Director, Single Family Development, Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502-AB24

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974. MINIMUM PROPERTY STANDARDS (MPS) FOR HOUSING -- WATER SUPPLY SYSTEMS (H-31-86; FR-2255)

Legal Authority: 12 USC 1701 to 1715a-18

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This proposed rule would amend the regulation relating to the applicability of the chemical and bacteriological standards of local health authorities to HUD-insured one- and two-family dwellings. This proposal provides that in the absence of local standards, those of the appropriate State agency would apply. This revision would simplify the requirements for water supply systems while furthering the Department's policy of relying on acceptable State and local building codes.

Timetable:

Action	Date	FR Cite
NPRM	06/08/87	52 FR 21596
NPRM Comment Period End	08/07/87	52 FR 21596
Final Action	11/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD64

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975. DIRECT ENDORSEMENT UNDERWRITER'S CERTIFICATION (H-29-86; FR-2241)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.163

Legal Deadline: None.

Abstract: The rule would authorize the mortgage lender (rather than its underwriter) to certify personally as to the correctness of certain items relating to the closing of a loan under the Department's direct endorsement program.

Timetable:

Action	Date	FR Cite
NPRM	04/10/87	52 FR 11686
NPRM Comment Period End	05/11/87	52 FR 11686
Final Action	11/00/87	

Small Entity: No

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD71

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976. LEAD STANDARDS IN WATER PIPING - SUBPART S - MPS (H-1-87; FR2290)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This final rule implements a provision of the Safe Drinking Water Act Amendments of 1986 that prohibits the insurance of a mortgage or the furnishing of assistance to newly constructed l residential property which contains a potable water system unless the system uses only lead free pipe, solder and flux. The provision is effective 24 months after the enactment of the Amendment.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AE03

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977. ● RESTRICTIONS ON ALL-CASH SALES (AMENDMENT TO PART 200) (H-30-87; FR-2374)

Legal Authority: 12 USC 1703; 12 USC 1715b

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This interim rule is intended to prohibit assumptors of a mortgage, or other persons purchasing property subject to a mortgage, on which an insured claim has been paid by the Department, from participating in a HUD "all cash public sale."

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/87	

Small Entity: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Single Family, Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AE12

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978. CONVEYANCE OF ONE- TO FOUR-FAMILY PROPERTIES OCCUPIED BY TENANTS OR FORMER MORTGAGORS (H-9-85; FR-2064)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would amend the current rule on occupied conveyances of HUD-acquired properties. Included are revised criteria for determining when HUD will accept conveyance of a one- to four-family property by a mortgagee when there are tenants of a former mortgagor in occupancy.

Timetable:

Action	Date	FR Cite
NPRM	02/25/86	51 FR 6556
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Jacqueline B. Campbell, Director, Department of Housing and Urban Development, Office of Housing, Single Family Property Disposition Division, 202 755-5740

RIN: 2502-AB10

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979. INSURANCE OF SINGLE FAMILY ADJUSTABLE RATE MORTGAGES (H-32-84; FR-1916)

Legal Authority: 12 USC 1715z; PL 98-181, Sec 443

CFR Citation: 24 CFR 203.49

Legal Deadline: None.

Abstract: Regulations governing the insuring of mortgages, the terms of which permit adjustments to a mortgagor's payments based on changes in an interest rate index.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23580
Interim Rule Effective	07/30/84	49 FR 23580
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Additional Information: Under the 1985 Regulatory Program this appeared as part of RIN 2502-AD20.

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, **202 755-6700**

RIN: 2502-AC43

980. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Agency Priority

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None.

Abstract: Amendments to TMAP and Assignment rule in light of statutory changes, court holdings, and policy developments. This rule was identified in earlier Agendas as RIN 2502-AB79; H-29-81; FR-1415.) Minor changes to apply these programs to coinsurance are needed.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	03/05/87	52 FR 6908
Final Action Effective	02/00/88	

Small Entity: No

Agency Contact: John Coonts, Deputy Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502-AD34

981. SINGLE FAMILY FORECLOSURES--DEFICIENCY JUDGEMENTS (H-6-86; FR-2193)

Significance: Regulatory Program

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would permit HUD to require lenders to seek deficiency judgments after a single family home foreclosure and would provide reimbursement to the lender for its costs.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4507
NPRM Comment Period End	03/16/87	52 FR 4507
Final Action	00/00/00	

Small Entity: No

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502-AD38

982. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This proposed rule would revise the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, insurance and financial backing, Plan coverage, and methods for determining Plan obligations.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
NPRM	06/10/87	52 FR 21961
NPRM Comment Period End	08/10/87	52 FR 21961
Final Action	12/00/87	

Public Comments

Notice of Solicitation 11/14/84 (49 FR 45075)

Small Entity: No

Agency Contact: John Coonts, Deputy Director, Office of Insured, Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-6924**

RIN: 2502-AD65

983. ● ALLEGANY RESERVATION OF THE SENECA NATION (H-32-87; FR-2382)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule implements Public Law 99-601. The law authorizes the Secretary of HUD, notwithstanding any contrary requirements in the National Housing Act, to insure single family mortgages covering certain properties located on lands within the Allegany Reservation of the Seneca Indian Nation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/87	

Small Entity: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502-AE09

984. MORTGAGE INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT (H-48-81; FR-1525)

Legal Authority: 12 USC 1713; 12 USC 1715

HUD—OH

Final Rule Stage

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242

Legal Deadline: None.

Abstract: Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: April LeClair, Director, Insurance Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 755-6223

RIN: 2502-AA90

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985. PREFERENCE IN THE PROVISION OF HOUSING FOR FAMILIES WHO ARE OCCUPYING SUBSTANDARD HOUSING, ARE INVOLUNTARILY DISPLACED, OR ARE PAYING MORE THAN 50% OF FAMILY INCOME (H-22-80; FR-1597)

Significance: Regulatory Program

Legal Authority: 12 USC 1701s; 42 USC 1437d; 42 USC 1437f; PL 98-181, Sec 203

CFR Citation: 24 CFR 215; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 904; 24 CFR 905; 24 CFR 960; 24 CFR 885

Legal Deadline: None.

Abstract: Final rule establishes preferences in the Public Housing, Section 8 and Rent Supplement programs for those "living in substandard housing", for those who are "involuntarily displaced" and for those paying more than 50 percent of their income for rent. The Department published a proposed rule on 09/26/84 .

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: No

Additional Information: Additional contact persons:

1. Nancy Chisholm, Office of Policy, Office of Public and Indian Housing, 202 755-6713

2. Madeline Hastings, Existing Housing Division, Office of Housing, 202 755-6887

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, 202 426-3970

RIN: 2502-AA34

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986. ADDITIONAL REVISIONS - HOSPITAL INSURANCE (H-24-86; FR-2227)

Significance: Regulatory Program

Legal Authority: 12 USC 1715b; 12 USC 1715z-6; 12 USC 1715z-7

CFR Citation: 24 CFR 241; 24 CFR 242

Legal Deadline: None.

Abstract: This rule includes RIN 2502-AC61, Mortgage Insurance Requirements for Private and Public Hospitals (H-69-84; FR-1992) and RIN 2502-AC64, Maximum Mortgage Amounts for Hospitals (H-72-84; FR-2004). In addition, this rule would (1) provide more detail concerning the factors HHS considers in determining the feasibility of a hospital proposal; (2) establish as a condition of eligibility for insurance that a hospital have a projected need for public support that is less than 10 percent of its projected operations support; (3) require a minimum cash investment equal to 10 percent of the estimated cost of construction or rehabilitation; and (4) make several other miscellaneous revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1201
Final Action	11/00/87	

Small Entity: No

Agency Contact: James L. Hamernick, Director, Office of Insured Multifamily Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD70

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987. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-16; 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713; 12 USC 1715b

CFR Citation: 24 CFR 290; 24 CFR 886

Legal Deadline: None.

Abstract: Would conform current regulation more closely to Section 203 of the Housing and Community Development Act of 1978, as amended; decrease reliance on project-based Section 8 subsidies as a means of maintaining availability of units for low- and moderate-income persons.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40888
NPRM Comment Period End	12/17/84	49 FR 40888
Final Action	11/00/87	

Small Entity: No

Agency Contact: Marc Harris, Multifamily Property Disposition Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 755-9280

RIN: 2502-AC68

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988. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 850

Legal Deadline: None.

Abstract: Implements the Housing Development Grant Program established by Section 301 of the Housing and Urban-Rural Recovery Act of 1983. Under this Program, the Secretary is authorized to make grants to cities and urban counties and to States acting on behalf of units of general local government to support new construction or substantial rehabilitation of residential rental housing. At least 20 percent of the units in a project assisted under this Program must be leased to, or made available for occupancy by, lower income families for a period of 20 years. The rent for these units cannot exceed 30 percent of the adjusted income of a family at 50 percent of area median income. Assisted projects must be located within eligible areas, special purpose areas or neighborhood preservation areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/84	49 FR 24634
Interim Rule effective	08/07/84	49 FR 24634

HUD—OH **Final Rule Stage**

Action	Date	FR Cite
Final Action	01/00/88	

Small Entity: No

Agency Contact: Jessica Franklin, Director, Department of Housing and Urban Development, Office of Housing, Development Grant Division, **202 755-6142**

RIN: 2502-AC23

989. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS PORTABILITY OF SECTION 8 EXISTING HOUSING CERTIFICATES (H-46-83; FR-1800)

Legal Authority: 42 USC 1437f; PL 98-181, Sec 207

CFR Citation: 24 CFR 882.101; 24 CFR 882.102; 24 CFR 882.110; 24 CFR 882.116; 24 CFR 882.118; 24 CFR 882.119; 24 CFR 882.209; 24 CFR 882.210; 24 CFR 882.216; 24 CFR 882.218

Legal Deadline: None.

Abstract: This rule provides for a system of permitting national mobility of certificate holders and participants in the Section 8 Existing Housing Certificate Program. This would enable families to move from the jurisdiction of one PHA to another and would enhance voluntary PHA mobility mechanisms already in place.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41072
NPRM Comment Period End	12/18/84	49 FR 41072
Final Action	00/00/00	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, **202 755-6887**

RIN: 2502-AB88

990. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(p); 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None.

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 Moderate Rehabilitation units, in accordance with the statutory directive in 42 USC 1437f(p). A proposed rule that included this program was published in 1984. A final rule was published for one of the programs covered by the proposed rule, the Section 8 Certificate program, on June 11, 1986 (51 FR 21300). No effective date has been published yet for that rule, but the Department expects to be ready to implement it by November 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005
Final Action	12/00/87	
Final Action Effective	03/00/88	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, **202 755-6887**

RIN: 2502-AD66

991. REVISIONS TO PART 886 TERMINATION OF TENANCY (H-59-84; FR-1950)

Legal Authority: 42 USC 1437a; 14 USC 1437c; 14 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 247; 24 CFR 886

Legal Deadline: None.

Abstract: This rule would make various amendments to Part 886-Section 8 Housing Assistance Payments Programs. The changes would remove requirements for PHA and HUD participation in terminations of tenancy; apply 24 CFR Part 247 - Evictions from Certain Subsidized and HUD-Owned Projects, to terminations of tenancy, and make other miscellaneous related revisions to lease requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16403
Final Action	02/00/88	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502-AC59

992. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - GENERAL (H-33-86; FR-2276)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This action will make final portions of the Manufactured Home Construction and Safety Standards on which changes were proposed in 48 FR 37136, August 16, 1983.

Timetable:

Action	Date	FR Cite
NPRM	08/16/83	48 FR 37136

Next Action Undetermined

Small Entity: No

Agency Contact: Mark W. Holman, Acting Director, Manufactured Hsg &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, **202 755-5210**

RIN: 2502-AD58

993. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - THERMAL ENERGY STANDARDS DEREGULATION (H-42-86; FR-2280)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This action will deregulate thermal energy and appliance efficiency requirements by removing 24 CFR Part 3280, Subpart F (with the exception of the condensation control standards in Sec. 3280.504) from the Manufactured Home Construction and Safety Standards.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17896
Final Action	11/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban

HUD—OH

Final Rule Stage

Development, Office of Housing, 202 755-5210

RIN: 2502-AD62

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Completed Actions

994. USE OF MATERIALS BULLETIN NO. 86 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR EPDM ROOFING (H-106-82)

CFR Citation: 24 CFR 200.935

Completed:

Reason	Date	FR Cite
Withdrawn	07/22/87	

Small Entity: Yes

Agency Contact: Tsou-Liang Tang 202 755-5929

RIN: 2502-AA68

995. DEFINITION OF MASTER CONDITIONAL COMMITMENT (H-15-86; FR 2123)

CFR Citation: 24 CFR 0200

Completed:

Reason	Date	FR Cite
Final Action	03/05/87	52 FR 6778
Final Action Effective	04/06/87	52 FR 6778

Small Entity: No

Agency Contact: John J. Coonts 202 426-3046

RIN: 2502-AD48

996. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FOR LEAD IN WATER PIPING (H-3-87; FR2296)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn	08/26/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman 202 755-5210

RIN: 2502-AE05

997. MISCELLANEOUS AMENDMENTS TO PART 201--PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS (FR-2171; H-4-86)

CFR Citation: 24 CFR 0201

Completed:

Reason	Date	FR Cite
Withdrawn Replaced by FR 2370 (RIN: 2502-AE10)	08/25/87	

Small Entity: No

Agency Contact: Christopher Peterson 202 755-5210

RIN: 2502-AD37

998. FILING PERIOD FOR RESUBMISSION OF DENIED CLAIMS (H-43-86)

Significance: Agency Priority

CFR Citation: 24 CFR 201.54

Completed:

Reason	Date	FR Cite
Withdrawn	07/22/87	

Small Entity: Yes

Agency Contact: Linda Gibbs 202 755-2632

RIN: 2502-AD80

999. ● MORTGAGE AND LOAN INSURANCE PROGRAMS; TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS (H-22-87; FR2347)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None.

Abstract: This final rule amends Title I regulatory provisions relating to (1) refinancing of Title I loans and (2) extensions for late filing of insurance claims.

Timetable:

Action	Date	FR Cite
Final Action	09/03/87	52 FR 33404
Final Action Effective	10/13/87	52 FR 33404

Small Entity: Undetermined

Agency Contact: Robert J. Coyle, Director, Title I Insurance Division, Department of Housing and Urban Development, Office of Housing, 202 755-6880

RIN: 2502-AE16

1000. ● AMENDMENTS TO THE TITLE I REGULATIONS (H-19-87; FR2370)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None.

Abstract: This rule would involve the following revisions to the Title I loan insured program; (1) a requirement that affected new manufactured homes meet the thermal energy requirements in HUD's minimum Property Standards; (2) restrictions on the use of loan proceeds for the acquisition of furniture; (3) a reduction of the length of hazard insurance coverage; (4) an increase in the property improvement loan amount on which a security interest is required and (5) the collection of a higher percentage of the loan insurance premium in the early years when the risks of default are greatest.

Timetable:

Action	Date	FR Cite
Withdrawn (Included in RIN: 2502-AE15)	09/02/87	

Small Entity: Undetermined

Agency Contact: Robert J. Coyle, Director, Title I Insurance Division, Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502-AE19

1001. ELIMINATION OF CLOSING COSTS AS AN ITEM ELIGIBLE FOR INCLUSION AS PART OF AN FHA INSURED SINGLE FAMILY MORTGAGE (H-10-86; FR-2203)

Significance: Regulatory Program

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 234

Completed:

Reason	Date	FR Cite
Withdrawn	04/00/87	

Small Entity: No

Agency Contact: John J. Coonts 202 755-3046

RIN: 2502-AD39

1002. REFINANCING OF EXISTING HUD-INSURED MORTGAGES (H-8-86; FR-2197)

Significance: Regulatory Program

CFR Citation: 24 CFR 203.43; 24 CFR 221; 24 CFR 234

Completed:

Reason	Date	FR Cite
Final Action	10/06/87	52 FR 37286

Small Entity: No

Agency Contact: John Coonts 202 755-3046

RIN: 2502-AD41

1003. SINGLE FAMILY CLAIM SETTLEMENTS - WAIVERS OF AMOUNTS DUE MORTGAGEES OR HUD OF $50 OR LESS (H-11-86; FR-2204)

Significance: Agency Priority

CFR Citation: 24 CFR 0203

Completed:

Reason	Date	FR Cite
Withdrawn	08/24/87	

Small Entity: No

Agency Contact: S. A. Evans 202 755-6310

RIN: 2502-AD50

1004. TERMINATION OF SECTION 245(B) GPM PROGRAM (H-34-86; FR-2266)

Significance: Agency Priority

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	08/28/87	52 FR 32754
Final Action Effective	10/13/87	52 FR 32754

Small Entity: No

Agency Contact: John J. Coonts 202 755-3046

RIN: 2502-AD63

1005. PENALTIES FOR MORTGAGEES CONVEYING PROPERTIES WITH TITLE DEFECTS (H-16-87)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn (Included in RIN: 2502-AE11)	09/02/87	

Small Entity: Undetermined

Agency Contact: Jacqueline Campbell 202 755-5740

RIN: 2502-AD97

1006. ● MORTGAGE CHARGES FOR SERIOUS TITLE DEFECTS (H-28-87; FR-2368)

Legal Authority: 12 USC 1710; 12 USC 1715(b); 12 USC 1709

CFR Citation: 24 CFR 203.366; 24 CFR 203.403

Legal Deadline: None.

Abstract: This proposed rule is intended to impose graduated charges on mortgagees who convey FHA-insured properties to HUD with serious title defects. These charges would increase with the length of time required by the mortgage to rectify the defects.

Timetable:

Action	Date	FR Cite
Withdrawn (Included in RIN: 2502-AE11)	09/00/87	

Small Entity: Undetermined

Agency Contact: Jacqueline Campbell, Director, Single Family Disposition, Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502-AE17

1007. MULTIFAMILY MORTGAGE INSURANCE (H-96-82)

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Completed:

Reason	Date	FR Cite
Withdrawn	07/22/87	

Small Entity: No

Agency Contact: April LeClair 202 755-6223

RIN: 2502-AA63

1008. ELIGIBILITY OF MORTGAGES ON EXISTING PROPERTIES - INSPECTION FEES (H-20-86; FR-2224)

CFR Citation: 24 CFR 0207.32a

Completed:

Reason	Date	FR Cite
Final Action	08/25/87	52 FR 31990
Final Action Effective	10/12/87	52 FR 31990

Small Entity: No

Agency Contact: William Bornscheuer 202 755-6223

RIN: 2502-AD47

1009. REQUIREMENTS FOR INSURANCE OF LEASEHOLDS ON MULTIFAMILY MORTGAGES (H-22-86; FR-2222)

CFR Citation: 24 CFR 0207; 24 CFR 0213; 24 CFR 0221; 24 CFR 0234; 24 CFR 0242

Completed:

Reason	Date	FR Cite
Final Action	10/06/87	52 FR 37288

Small Entity: Undetermined

Agency Contact: Linda Cheatham 202 426-0035

RIN: 2502-AD53

1010. FLEXIBLE SUBSIDY PROGRAM (H-48-82)

CFR Citation: 24 CFR 219

Completed:

Reason	Date	FR Cite
Withdrawn	09/02/87	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AA53

1011. INTEREST RATES FOR FIRE SAFETY EQUIPMENT IN NURSING HOMES TO BE SET BY FR NOTICE (H-10-85; FR-2065)

CFR Citation: 24 CFR 232

Completed:

Reason	Date	FR Cite
Withdrawn	09/02/87	

Small Entity: No

Agency Contact: Michael Phillips 202 755-7055

RIN: 2502-AC85

1012. CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE-1983 ACT AMENDMENTS (H-71-84; FR-1999)

CFR Citation: 24 CFR 234

Completed:

Reason	Date	FR Cite
Final Action	09/08/87	52 FR 33804
Final Action Effective	10/13/87	52 FR 33804

Small Entity: No

Agency Contact: John Coonts 202 755-3046

RIN: 2502-AC79

1013. RECOVERY OF SECTION 235 ASSISTANCE PAYMENTS (H-18-86)

CFR Citation: 24 CFR 235.361

Completed:

Reason	Date	FR Cite
Withdrawn	07/22/87	

Small Entity: Yes

Agency Contact: Fred W. Pfaender 202 755-6672

RIN: 2502-AD45

1014. TECHNICAL REVISIONS - COINSURANCE FOR THE PURCHASE OR REFINANCING OF MULTIFAMILY HOUSING PROJECTS (H-35-86; FR-2267)

CFR Citation: 24 CFR 255

Completed:

Reason	Date	FR Cite
Final Action	05/04/87	52 FR 16240
Final Action Effective	06/05/87	52 FR 16240

Small Entity: Undetermined

Agency Contact: James Hamernick 202 755-6500

RIN: 2502-AD73

1015. SHARED HOUSING IN THE SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION PROGRAMS (H-27-86; FR-2239)

CFR Citation: 24 CFR 880; 24 CFR 881

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/87	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AD67

1016. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-PUBLIC HOUSING AGENCY ADMINISTRATIVE FEES (H-12-86; FR-2207)

CFR Citation: 24 CFR 882; 24 CFR 887

Completed:

Reason	Date	FR Cite
Withdrawn	05/26/87	

Small Entity: Undetermined

Agency Contact: Madeline Hasting 202 755-6887

RIN: 2502-AD95

1017. ● SECTION 8 MODERATE REHABILITATION ASSISTANCE PROGRAM FOR SRO DWELLINGS (H-36-87; FR2390)

Legal Authority: 42 USC 11361; 42 USC 11401

CFR Citation: 24 CFR 882

Legal Deadline: None.

Abstract: The Sec. 8 Mod Rehab Assistance Program for Single Room Occupancy Dwellings, authorized in Sec. 441 of the McKinney Homeless Assistance Act provides for assistance in the mod rehab of single room occupancy units for occupancy by homeless single individuals. Under the program, HUD will provide assistance to those public housing agencies (PHAs) selected on the basis of a national competition which best demonstrate a need for the assistance and the ability to undertake and carry out a program to be assisted under Sec. 441. The assistance will be in the form of compensation for mod rehab under an annual contributions contract entered into with a PHA. HUD will make the assistance available for 10 years, and has the option to renew the contract for an additional 10 years. The Notice of Fund Availability is intended to inform the public of the requirements that will govern the use of the $35 million appropriated for the program.

Timetable:

Action	Date	FR Cite
Withdrawn	09/02/87	

Small Entity: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and, Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502-AE18

1018. SECTION 202 - LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED (H-10-84; FR-1899)

Significance: Agency Priority

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Final Action	08/05/87	52 FR 29010
Final Action Effective	10/12/87	52 FR 29010

Small Entity: No

Agency Contact: Robert W. Wilden 202 426-8730

RIN: 2502-AC53

1019. ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-89-78)

Significance: Agency Priority

CFR Citation: 24 CFR 886

Completed:

Reason	Date	FR Cite
Withdrawn	09/02/87	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AA41

HUD—OH

Completed Actions

1020. ● MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS INTERPRETATIVE BULLETINS (H-31-87; FR2380)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282.113

Legal Deadline: None.

Abstract: This proposed rule would amend the Manufactured Home Procedural and Enforcement Regulations in order to remove the issuance of Interpretative Bulletins from the rulemaking process. The purpose of this procedural modification is to promote efficiency in issuing Interpretative Bulletins so that important guidance can be provided to the manufactured housing industry in a timely manner.

Timetable:

Action	Date	FR Cite
Withdrawn (Included in RIN: 2502-AE10)	09/02/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AE14

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Proposed Rule Stage

1021. ● UNIFORM RELOCATION ACT AMENDMENTS OF 1987 (CPD-3-87; FR-2357)

Legal Authority: 42 USC 4601

CFR Citation: 24 CFR 0042

Legal Deadline: None.

Abstract: This proposed rule would revise the existing regulations on relocation assistance in accordance with the recently enacted Uniform Relocation Act Amendments of 1987. (A government-wide common rule is expected to be developed, to which HUD will be a signatory agency.)

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Harold J. Huecker, Director, Relocation and Real Estate Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506-AA78

1022. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None.

Abstract: This revision would implement 1983 amendments. The rule includes definitions of low and moderate income persons, requirements for meeting the three national objectives, the 51% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, 202 755-6322

RIN: 2506-AA38

1023. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None.

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37162
NPRM Comment Period End	12/04/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-1871

RIN: 2506-AA66

1024. AMENDMENTS TO COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS; ENTITLEMENT PROGRAM (CPD-4-86)

Legal Authority: Yet to be determined

CFR Citation: 24 CFR 0570

Legal Deadline: None.

Abstract: This rule would modify the Entitlement Program rules as necessary to implement changes to the authorization statute which have been proposed for consideration by the Congress.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Local

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban

Development, Office of Community Planning and Development, 202 755-9267

RIN: 2506-AA68

1025. COMMUNITY DEVELOPMENT BLOCK GRANTS, URBAN DEVELOPMENT ACTION GRANTS (CPD-9-86)

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: 24 CFR 570.450 to 465

Legal Deadline: None.

Abstract: This rule would implement a legislative revision of the UDAG selection system formula and criteria, and would incorporate technical changes listed in previous semiannual agendas. [The rule depends on law revisions not yet adopted by the Congress.]

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Includes: CPD-14-83 (RIN: 2506-AA40)

Affected Sectors: All

Government Levels Affected: Local, Federal

Agency Contact: Michael McMahon, Dir., Policy/Support Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-8227

RIN: 2506-AA72

1026. ● URBAN DEVELOPMENT ACTION GRANT APPLICATIONS FROM CONSORTIA OF SMALL CITIES (CPD-6-87; FR2381)

Legal Authority: 42 USC 5318

CFR Citation: 24 CFR 570

Legal Deadline: None.

Abstract: The Housing and Urban-Rural Recovery Act of 1983 permits consortia of small cities to apply for UDAG funds. This would allow geographically proximate small communities to apply jointly for funds to deal with common economic development problems beyond the administrative or financial capacities of any one of the communities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Stanley Newman, Director, Office of Urban Development, Action Grants, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6290

RIN: 2506-AA76

1027. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: REVISION TO CORRECTIVE AND REMEDIAL ACTION (CPD-13-84; FR-2102)

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 571.702 (b); 24 CFR 571.302(a)

Legal Deadline: None.

Abstract: This rule would amend the corrective and remedial actions available against grant recipients who fail to perform properly. One of the actions to be taken is to require recipients to reimburse their program account Letter of Credit in any amounts improperly expended. This amendment would allow the recipient to make such reimbursement through an in-kind contribution if sufficient cash is not available. In addition, it would allow alternative, non-cash transfer remedies to prevent a recurrence of the previous problems.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506-AA58

1028. ● EMERGENCY SHELTER GRANTS ('87 ACT) (CPD-7-87; FR2387)

Legal Authority: 42 USC 11371-77

CFR Citation: 24 CFR 576

Legal Deadline: None.

Abstract: This rule will implement statutory changes to the Emergency Shelter Grant Program required by amendments to the program set out in subtitles A and B of Title IV, McKinney Homeless Assistance Act, 42 USC 11301-77.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	04/00/88	
Final Action Effective	05/00/88	

Small Entity: Undetermined

Additional Information: In September 1987, the Department published a Notice specifying the conditions under which the Emergency Shelter Grant Program would operate during the period preceding the effectiveness of amended rules implementing the McKinney Act Amendments.

Agency Contact: Don I. Patch, Director, Office of Block Grants Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6587

RIN: 2506-AA77

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Final Rule Stage

1029. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None.

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	12/00/87	

Small Entity: No

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA55

1030. COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS (CPD-6-84; FR-1895)

Significance: Regulatory Program

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None.

Abstract: As a result of the 1983 and 1984 amendments to the Housing and Community Development Act of 1974 as amended, this proposed rule would set forth new requirements governing the administration of Community Development Block Grant funds under Subpart A (General Provisions), C (Eligible Activities), D (Entitlement Grants), F (Small Cities Programs), K (Other Applicable Laws), M (Loan Guarantees), J (Grant Administration), and O (Program Management).

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43852
NPRM Comment Period End	12/31/84	49 FR 43852
Final Action	00/00/00	

Small Entity: No

Additional Information: Includes: FR-1825, FR-1852, FR-1854; FR-1572

Government Levels Affected: Local, Federal

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, Entitlement Cities Division, 202 755-9267

RIN: 2506-AA47

1031. EMERGENCY SHELTER GRANT PROGRAM (CPD-1-87; FR-2298)

Significance: Regulatory Program

Legal Authority: PL 99-500, Sec 101(g)

CFR Citation: 24 CFR 575

Legal Deadline: Statutory, October 8, 1987. Final rule must be published within one year of date of enactment

Abstract: This rule implements the Emergency Shelter Grant Program enacted in Part C of the Homeless Housing Act of 1986. Under this program HUD initially provides grants to States, metropolitan cities and urban counties and may also provide grants to units of general local government and private nonprofit organizations. These grants are to be used to assist the homeless through (1) renovation, major rehabilitation or conversion of buildings to be used as emergency shelters; (2) provision of essential services; and (3) payment of specified costs related to operating emergency shelters.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45278
Final Action	10/00/87	

Small Entity: No

Agency Contact: James Broughman, Director, Entitlement Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506-AA74

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Completed Actions

1032. ● RENTAL REHABILITATION PROGRAM; REALLOCATION OF RENTAL REHABILITATION GRANT AMOUNTS (CPD-5-87; FR-2371)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 511.33

Legal Deadline: None.

Abstract: This final rule will revise the regulation at 24 CFR 511.33(b) to allow a Rental Rehabilitation grantee to receive reallocated funds in an amount not exceeding 30 percent of the cumulative amount initially obligated to the grantee for the current fiscal year and for any preceding fiscal years for which rehabilitation grant funds remain available for obligation. This rule will permit reallocations to a grantee so long as the cumulative allocation does not exceed 130 percent of the total amount initially obligated to the grantee for the current fiscal year and for any previous fiscal year for which rehabilitation grant funds remain available for obligation. (Reallocated grant amounts may come from any fiscal year's appropriation for which funds remain available for reallocation.)

HUD—CPD

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	07/08/87	52 FR 25593
Final Action Effective	08/07/87	52 FR 25593

Small Entity: Undetermined

Agency Contact: Mary Anne Kolesar, Director, Rehabilitation Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA75

1033. TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Withdrawn	07/07/87	

Small Entity: No

Agency Contact: Jerome Friedman 202 755-8909

RIN: 2506-AA30

1034. DESIGNATION OF ENTERPRISE ZONES (CPD-11-83; FR-1913)

Significance: Agency Priority

CFR Citation: 24 CFR 0596

Completed:

Reason	Date	FR Cite
Withdrawn	09/02/87	

Small Entity: No

Agency Contact: Michael T. Savage 202 755-6587

RIN: 2506-AA45

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Government National Mortgage Association (GNMA)

1035. BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: The regulation will provide for utilization of a book-entry system to govern the issuance and custody of GNMA securities. The system allows for maintenance of records by an Agent Bank and utilization of wire transfers. Further, the book-entry system will curtail loss, theft and repeated pledging of GNMA securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, Office of Insured Housing and Finance, 202 755-7260

RIN: 2503-AA03

1036. ● GNMA FEES (GNMA-1-87; FR2395)

Legal Authority: 00 USC 0000

CFR Citation: 24 CFR 390.17

Legal Deadline: None.

Abstract: This proposed rule would revise the regulations in accordance with a recent statutory amendment relating to the charges and fees that GNMA may charge for its guaranty of mortgage-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Walter J. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2503-AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Government National Mortgage Association (GNMA)

1037. MORTGAGE-BACKED SECURITIES - REVISION TO DATE FOR FIRST MONTHLY PAYMENT TO PRINCIPAL AND INTEREST (GNMA-1-85; FR-2135)

CFR Citation: 24 CFR 390

Completed:

Reason	Date	FR Cite
Final Action	09/29/86	51 FR 34465
Final Action Effective	11/01/87	52 FR 37608

Small Entity: No

Agency Contact: Robert P. Kalish 202 755-5593

RIN: 2503-AA04

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Fair Housing and Equal Opportunity (FHEO)

1038. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None.

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA28

1039. ● REDESIGN FOR FAIR HOUSING ASSISTANCE PROGRAM (FHEO-2-87; FR2403)

Significance: Regulatory Program

Legal Authority: 42 USC 3601-9

CFR Citation: 24 CFR 111

Legal Deadline: None.

Abstract: This proposed rule would change the current funding mechanism of the Fair Housing Assistance Program (FHAP) from a dual noncompetitive and competitive system to a single comprehensive noncompetitive funding mechanism. The new system will allow the same disbursement of 5 million dollars to substantially equivalent agencies. The FHAP agencies would be funded for cases processed and other eligible activities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Maxine Cunningham, Director, Federal, State & Local Programs, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-0455

RIN: 2529-AA33

1040. RECOGNITION OF JURISDICTION WITH SUBSTANTIALLY FAIR HOUSING LAWS (FHEO-1-87)

Legal Authority: 42 USC 3610; 42 USC 3535(d)

CFR Citation: 24 CFR 115

Legal Deadline: None.

Abstract: Some of the Sections in this Regulation need to be changed to add definitions, set out specific issues and examples that qualify as acceptable/unacceptable under the rule; and clarify time frames. The proposed revisions will make application and recognition procedures easier for the Department relative to implementation. Agencies presently recognized will not be affected. However, agencies in the interim recognition stage may be affected.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	02/00/88	
Final Action	04/00/88	

Small Entity: No

Affected Sectors: 919 General Government, Not Elsewhere Classified

Government Levels Affected: Local, State, Federal

Agency Contact: Wagner Jackson, Acting Director, Office of Fair Housing, Enforcement & Sec. 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6636

RIN: 2529-AA31

1041. AMENDMENTS OF THE COMMUNITY HOUSING RESOURCE BOARD REGULATIONS (FH&EO-1-85; FR-2085)

Legal Authority: 42 USC 3601 to 3619

CFR Citation: 24 CFR 120

Legal Deadline: None.

Abstract: This proposed rule would amend the current rule for the Community Housing Resources Board at 24 CFR Part 120. This rule would establish further program features, including provisions for grant administration and accountability monitoring.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Includes FR-1407 (RIN-2529-AA06)

Agency Contact: Nathaniel K. Smith, Director, Housing and Community Development Div., Office of Voluntary Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-5992

RIN: 2529-AA27

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Fair Housing and Equal Opportunity (FHEO)

1042. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES (FH&EO-4-84; FR-770)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 8

Legal Deadline: None.

Abstract: Would add a new 24 CFR 8 Part to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

HUD—FHEO

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information:

Proposed rule published 04/19/78 43 FR 16652

Interim rule published 05/06/83 48 FR 20638

Republished 05/18/83 48 FR 22470

Effective date revoked 06/15/83 48 FR 27528

(Interim rule was thereafter treated as a proposed rule.)

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, **202 755-6207**

RIN: 2529-AA26

1043. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 804 OF THE FAIR HOUSING ACT (FH&EO-6-84; FR 2012)

Significance: Regulatory Program

Legal Authority: 42 USC 3601 to 3619; 42 USC 3535(d)

CFR Citation: 24 CFR 105

Legal Deadline: None.

Abstract: This rule would amend 24 CFR Part 105, which governs the processing of complaints under section 810 of the Fair Housing Act. The rule would reorganize Part 105 and would add more specific descriptions of the procedures used to investigate fair housing complaints, to make a determination to resolve matters raised in complaints, and to try to eliminate and correct alleged discriminatory housing practices.

Timetable:

Action	Date	FR Cite
NPRM	10/16/84	49 FR 40528
NPRM Comment Period End	12/17/84	49 FR 40528
Final Action	01/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Charles M. Farbstein, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Equal Opportunity, **202 755-5570**

RIN: 2529-AA24

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

1044. AFFIRMATIVE FAIR HOUSING, MARKETING TECHNICAL AMENDMENTS (FH&EO-2-83; FR-1670)

CFR Citation: 24 CFR 100; 24 CFR 108; 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn	08/27/87	

Small Entity: Undetermined

Agency Contact: Peter Kaplan 202 755-7727

RIN: 2529-AA17

1045. AUDIT REQUIREMENTS FOR THE FAIR HOUSING ASSISTANCE PROGRAM AND THE COMMUNITY HOUSING RESOURCE BOARDS (FH&EO-1-86; FR-2140)

CFR Citation: 24 CFR 111; 24 CFR 120

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Charles M. Farbstein 202 755-5570

RIN: 2529-AA30

1046. FAIR HOUSING ASSISTANCE PROGRAM; PROGRAM DESCRIPTION AND ELIGIBILITY CRITERIA (FHEO-2-87)

CFR Citation: 24 CFR 111

Completed:

Reason	Date	FR Cite
Withdrawn	09/02/87	

Small Entity: Undetermined

Agency Contact: Thomas J. Jankowski 202 755-6636

RIN: 2529-AA32

1047. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM HUD (FH & EO-1-79; FR-1161)

CFR Citation: 24 CFR 146

Completed:

Reason	Date	FR Cite
Final Action	12/17/86	51 FR 45264
Final Action Effective	04/10/87	52 FR 7408

Small Entity: No

Agency Contact: Myra B. Kennedy 202 755-5904

RIN: 2529-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of Administration (OA)

1048. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None.

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Peggy A. Grant, Acting Dir., Mortgage Insurance Accnt.&Serv., Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-5645

RIN: 2535-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Administration (OA)

1049. AMENDMENT OF THE HUD ACQUISITION REGULATIONS (ADM-5-85; FR-2131)

Legal Authority: 40 USC 486(c); 42 USC 3535(d)

CFR Citation: 48 CFR Chap. 24

Legal Deadline: None.

Abstract: The rule would add Part 2452, Solicitation Provisions and Contract Clauses and Part 2453, Forms. When the original HUDAR was published in March, 1984, solicitation provisions and contract clauses were incorrectly placed, and no HUD forms were included at all.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Gladyes Gines, Deputy Director, Policy & Evaluation, Divisioin, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535-AA10

1050. ● OMB CIR. A-110, UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (ADM-1-87; FR2376)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 29

Legal Deadline: None.

Abstract: This proposed rule would follow a government-wide common rule to provide uniformity to the administrative requirements for grants and agreements with universities, hospitals and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Jr., Director, Policy & Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535-AA15

1051. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

Legal Authority: 42 USC 3535(d); 42 USC 6962

CFR Citation: 24 CFR 570; 24 CFR 207

Legal Deadline: None.

Abstract: Rule will provide restrictions on Federal procurement of cement and concrete containing fly ash. Will be patterned on Environmental Protection Agency guidelines.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, Office of Procurement And Contracts, 202 755-5294

RIN: 2535-AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Administration (OA)

1052. OMB CIRCULAR A-102, UNIFORM REQUIREMENT FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (ADM-1-86, FR-2178)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0045

Legal Deadline: None.

Abstract: In tandem with the government-wide rule to be issued by OMB, this rule would promulgate standards for the administration of grants to State and local governments and to federally recognized Indian tribal government.

HUD—OA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21826
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Director, Policy & Evaluation Division, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535-AA13

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Public and Indian Housing (PIH)

1053. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2138)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 904

Legal Deadline: None.

Abstract: This would make miscellaneous amendments to the existing Turnkey III program regulations to facilitate program administration and to allow flexibility to address specific local problems. The amendments will clarify appropriate procedures to use when existing occupants are eligible to become homebuyers to facilitate the actual sales of the units.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, 202 755-6713

RIN: 2577-AA34

1054. INDIAN HOUSING PROGRAM--REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Legal Authority: 25 USC 450e(b)

CFR Citation: 24 CFR 905

Legal Deadline: None.

Abstract: This rule will constitute a consolidation of relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as these affect the Indian housing programs. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory package governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: Patricia Arnaudo, Deputy Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-1015

RIN: 2577-AA32

1055. PREEMPTION OF CERTAIN STATE-DETERMINED PREVAILING WAGE RATES APPLICABLE TO PUBLIC AND INDIAN HOUSING PROJECTS (P-6-86; FR-2231)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 905.211

Legal Deadline: None.

Abstract: This rule would make State-determined prevailing wage rates inapplicable to Public and Indian Housing projects if these wage rates exceed the applicable federally-determined prevailing wage rates.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Nancy S. Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA42

1056. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None.

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and that is within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577-AA07

1057. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None.

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This proposed rule would amend Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be treated under the allowance and surcharge provisions.

HUD—PIH **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6640**

RIN: 2577-AA40

1058. ● DECONTROL OF PUBLIC HOUSING AUTHORITIES; CIAP DEVELOPMENT (P-5-87; FR2408)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 968.12(i); 24 CFR 968.15; 24 CFR 941.205(c)

Legal Deadline: None.

Abstract: This rule change to Part 968 would allow for PHAs who qualify as Recognized Performers to certify compliance with HUD requirements instead of obtaining HUD approval in two areas: management improvement contracts and line item budget revisions. Recognized Performers would still be required to include all elements of the appropriate certification specified in the rule, and to maintain the certification in their files.

Additionally, Part 941.205(c), pertaining to development would be changed to give Recognized Performers the maximum possible authority to execute contracts without HUD review.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Nancy S. Chisholm, Director, Policy Staff, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA48

1059. ● EFFECTS OF DEBT FORGIVENESS ON PUBLIC HOUSING AGENCY ANNUAL CONTRIBUTIONS CONTRACTS (P-6-87; FR2409)

Legal Authority: 00 USC 0000

CFR Citation: 24 CFR 969; 24 CFR 970

Legal Deadline: None.

Abstract: This rule would clarify the Department's policy with reference to the effects of the debt forgiveness provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) on public housing agency's annual contributions contracts (ACC) with HUD. The rule will amend 24 CFR Parts 969 and 970 to provide that debt forgiveness under COBRA does not constitute "payment in full" of ACC indebtedness, and that accordingly the obligations of a PHA under its ACC after debt forgiveness will continue until expiration of the term of the original indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert Kenison, Associate General Counsel for Assisted, Housing & Community Development, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-5212**

RIN: 2577-AA51

1060. ● PHA OBLIGATIONS WITH RESPECT TO RESIDUAL RECEIPTS IN THE PUBLIC HOUSING, TURNKEY III, AND SEC. 23 PROGRAMS; (P-2-87; FR2354; FORMERLY H-27-87)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None.

Abstract: This rule would reiterate the requirement of the Annual Contributions Contract that a PHA must submit to HUD its residual receipt within 60 days of the end of its fiscal year. The rule would also prescribe the method for determining the rate of interest due when residuals are not remitted on time. The rule will contain provisions for retention of residual receipts by the PHA under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Nancy Chisholm, Director, Office of Policy, Office of Policy & Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA49

1061. DISALLOWANCE OF LEGAL FEES; LITIGATION CONTROLS FOR HUD ASSISTANCE RECIPIENTS (P-2-85; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None.

Abstract: This proposed rule will declare HUD policy regarding PHA legal expenses for litigation against HUD and prescribe limited litigation reporting procedures for HUD assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA33

1062. ● CHANGE IN INFLATION FACTOR USED TO CALCULATE PUBLIC HOUSING OPERATING SUBSIDY (P-1-87 (FORMERLY H-24-87); FR-2353)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990.102

Legal Deadline: None.

Abstract: This proposed rule would change the calculations of the allowable expense level used to determine operating subsidy eligibility under the Performance Funding System by using the lower of the local inflation factor now used or the Section 8 annual adjustment factor for the area.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Nancy S. Chisholm, Director, Policy Staff, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA47

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Final Rule Stage

1063. PUBLIC AND INDIAN HOUSING - COST CONTAINMENT PROCEDURES (P-1-86; FR-2191)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 941; 24 CFR 905

Legal Deadline: None.

Abstract: This rule will amend Public housing development regulations to reflect the repeal of Sec. 6(b) of the United States Housing Act. Sec. 6(b) limits on dwelling construction and equipment cost for the different areas of the country. The rule will also amend these regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/24/86	51 FR 33904
Final Action	12/00/87	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA37

1064. ● INDIAN PREFERENCE (P-4-87; FR2391)

Legal Authority: 25 USC 450e(b)

CFR Citation: 24 CFR 905.20y

Legal Deadline: None.

Abstract: This rule contains technical amendments to a final rule (Indian Preference) that was published in the FEDERAL REGISTER ON January 3, 1987 and became effective on March 15, 1987.

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Joan Ladesh, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-1015

RIN: 2577-AA50

1065. PUBLIC HOUSING -- TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Regulatory Program

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None.

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26504
NPRM Comment Period End	09/22/86	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577-AA18

1066. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None.

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from mastermetered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785

Next Action Undetermined

Small Entity: No

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6649

RIN: 2577-AA27

1067. PUBLIC AND INDIAN HOUSING COST CONTAINMENT PROCEDURES - COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AND INDIAN HOUSING (P-9-86; FR-2262)

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 905

Legal Deadline: None.

Abstract: This rule would amend the Comprehensive Improvement Assistance Program and the Indian Housing Program regulations to reflect the repeal of Section 6(b) of the United States Housing Act. Section 6(b) limits dwelling construction and equipment costs for various areas of the country. This rule will also amend the regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/11/87	52 FR 4349
NPRM Comment Period End	04/13/87	52 FR 4349
Final Action	01/00/88	

Small Entity: No

Additional Information: This proposed rule was split off from FR-2191.

Government Levels Affected: Local

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA43

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Completed Actions

1068. REVISED OCCUPANCY POLICIES IN PUBLIC AND INDIAN HOUSING (P-7-86; FR-2240)

CFR Citation: 24 CFR 913; 24 CFR 960; 24 CFR 912

Completed:

Reason	Date	FR Cite
Withdrawn	05/28/87	

Small Entity: No

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA41

1069. PUBLIC AND INDIAN HOUSING - APPLICATION PROCESSING PROCEDURES (P-10-86; FR-1946)

CFR Citation: 24 CFR 941

Completed:

Reason	Date	FR Cite
Withdrawn	06/30/87	

Smal Entity: Undetermined

Agency Contact: Ray Hamilton 202 426-0938

RIN: 2577-AA44

1070. ● TECHNICAL AMENDMENTS TO THE PERFORMANCE FUNDING SYSTEM FOR PUBLIC HOUSING OPERATING SUBSIDY (P-3-87 (FORMERLY H-26-87); FR-2355)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990.108; 24 CFR 990.114; 24 CFR 990.105; 24 CFR 990.104; 24 CFR 990.109

Legal Deadline: None.

Abstract: This final rule will permit PHAs that receive less than $25,000 per year in Federal financial assistance to obtain operating subsidy to cover the cost of an annual independent audit, as do the PHAs that receive at least $25,000, even though an audit is no longer required for these PHAs. The rule will also remove an obsolete requirement that rentals payable to a PHA must equal at least one-fifth of the total income of all tenant families.

Timetable:

Action	Date	FR Cite
Final Action	08/06/87	52 FR 29360
Final Action Effective	10/12/87	52 FR 29360

Small Entity: Undetermined

Agency Contact: Nancy S. Chisholm, Director, Policy Staff, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA46

[FR Doc. 87-21545 Filed 10-23-87; 8:45 am]

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Federal Register

Monday
October 26, 1987

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II, IV and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between October 1987 and April 1988. An agenda is required by Executive Order 12291 and the Regulatory Flexibility Act.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Management Analysis, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1988 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government which is published by the Office of Management and Budget.

Dated: August 18, 1987.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary of the Interior.

Assistant Secretary for Policy, Budget, and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1071	Department of the Interior - Nonprocurement Debarment and Suspension Regulation	1090-AA12
1072	Department of the Interior Acquisition Regulation (FAR)	1090-AA10
1073	Department of the Interior Acquisition Regulation	1090-AA14
1074	Department of the Interior Acquisition Regulation	1090-AA13

Assistant Secretary for Policy, Budget, and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1075	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	1090-AA11

Office of the Solicitor—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1076	Practices Before the Department	1092-AA00
1077	Take Pride in America	1092-AA06

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Office of the Solicitor—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1078	Records and Testimony; Freedom of Information Act	1092-AA02
1079	Trans-Alaska Pipeline Liability Fund	1092-AA03
1080	Implementation of the Program Fraud Civil Remedies Act	1092-AA05

Office for Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1081	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1091-AA00
1082	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1091-AA02

Office for Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1083	Enforcement of Nondiscrimination on the Basis of Handicap in Department of the Interior Programs	1091-AA01

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1084	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA31
1085	Burden of Proof in Civil Penalty Proceedings	1094-AA33
1086	Tribal Acquisition of Interests Under Special Statute	1094-AA08
1087	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA25
1088	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA30

Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1089	Department Hearings and Appeals Procedures	1094-AA26
1090	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA28
1091	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA29
1092	Department Hearings and Appeals Procedures; Subpart A--General; Office of Hearings and Appeals; Power of the Secretary and Director	1094-AA32

Office of Hearings and Appeals—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1093	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA01
1094	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA10

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Office of Hearings and Appeals—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1095	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA15

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1096	Injurious Wildlife - Mitten Crabs	1018-AB04
1097	Injurious Wildlife	1018-AB13
1098	Endangered and Threatened Wildlife and Plants	1018-AA10
1099	Proposed Determination of Nonessential Experimental Population Status for an Introduced Population of the Yellowfin Madtom in Virginia	1018-AB08
1100	Captive Bred Wildlife	1018-AB10
1101	Proposed Determination of Nonessential Experimental Population Status for an Introduced Population of the Nashville Crayfish in Tennessee	1018-AB12
1102	Marine Mammals: Incidental Taking by Commercial Fishing Operations	1018-AA96
1103	Marine Mammal Protection Act and Endangered Species Act Revisions	1018-AB05
1104	Subsistence Take of Migratory Birds in Alaska	1018-AB03
1105	General Permit Procedures and Migratory Bird Permits: Raptor Propagation and Falconry Regulations	1018-AB01
1106	Endangered Species Convention	1018-AA29
1107	Sport Fishing	1018-AA50
1108	Implementation of Klamath River Basin Fishery Resources Restoration Act	1018-AB11

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1109	Humane Transport of Wild Mammals and Birds	1018-AA07
1110	Importation, Exportation, and Transportation of Wildlife	1018-AA79
1111	Endangered and Threatened Wildlife and Plants	1018-AA84
1112	Endangered and Threatened Wildlife and Plants	1018-AA85
1113	Endangered and Threatened Wildlife and Plants	1018-AA95
1114	Endangered and Threatened Wildlife and Plants	1018-AA98
1115	Endangered and Threatened Wildlife and Plants	1018-AB02
1116	Endangered and Threatened Wildlife and Plants	1018-AB06
1117	Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish	1018-AB09
1118	Marine Mammals: Reporting and Sealing Requirements for Alaska Natives	1018-AA20
1119	Migratory Bird Hunting	1018-AA24
1120	Subsistence Take of Migratory Birds	1018-AA92
1121	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93
1122	Public Entry and Use	1018-AA36
1123	Hunting	1018-AA71
1124	Fish and Wildlife Restoration Grants; Interest Earned on License Fees	1018-AA97

United States Fish and Wildlife Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1125	Southern Sea Otter Experimental Population	1018-AA87
1126	National Wildlife Refuges	1018-AA35

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National Park Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1127	Appraisal Authority Under the Land and Water Conservation Fund State Grant Program	1024-AB68
1128	National Park Service Acquisition Regulation	1024-AB35

National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1129	Upper Delaware SRR: Fishing	1024-AA87
1130	Appalachian National Scenic Trail	1024-AB07
1131	Hawaii Volcanoes National Park: Fishing Regulations	1024-AB66
1132	Mammoth Cave NP: Fishing	1024-AA94
1133	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1134	Rocky Mountain National Park: Fishing Regulations	1024-AB46
1135	Rocky Mountain National Park: Trucking Regulations	1024-AB67
1136	Glen Canyon National Recreation Area: Commerical Operations and Whitewater Boating Regulations	1024-AB72
1137	Big Thicket National Preserve: Hunting Regulations	1024-AB48
1138	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1139	Whiskeytown Unit, Whiskeytown - Shasta - Trinity NRA Gold Panning Regulations	1024-AB71
1140	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA89
1141	NPS Units in Alaska: Concessions	1024-AB18
1142	Fire Island National Seashore: Zoning	1024-AA80
1143	Archeological and Historic Preservation Act; Department of the Interior Regulations	1024-AA49
1144	Historic Preservation Certifications Pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986	1024-AB73
1145	Curation of Federally Owned and Administered Archeological Collections	1024-AB13
1146	Cemetery Sites and Historical Places	1024-AA84

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1147	Applicability and Scope	1024-AB64
1148	Discrimination in Employment Practices and Furnishing Public Services	1024-AB65
1149	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1150	Canyon De Chelly National Monument	1024-AB47
1151	Springfield Armory Museum Closure	1024-AB70
1152	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1153	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1154	Everglades NP: Mining	1024-AB10
1155	Lake Mead National Recreation Area: Noise Abatement Exemption	1024-AB50
1156	Lake Chelan NRA: Target Practice	1024-AB19
1157	Ross Lake NRA: Target Practice	1024-AB28
1158	Delaware Water Gap NRA: Fishing	1024-AA98
1159	Big Cypress National Preserve: Indian Use and Occupancy	1024-AA07
1160	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1161	Management of Mining Claim Activities	1024-AB37
1162	NPS Units in Alaska: Closure Regulations	1024-AA71
1163	National Register of Historic Places	1024-AA44
1164	Determination of Eligibility for Inclusion in the National Register of Historic Places	1024-AA46

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National Park Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1165	Vehicles and Traffic Safety	1024-AB06
1166	Fire Island National Seashore: Off-Road Vehicles	1024-AA14
1167	Yellowstone National Park: Fishing Regulations	1024-AB57
1168	Shenandoah National Park: Fishing Regulations	1024-AB51
1169	Blue Ridge Parkway: Commercial Vehicles	1024-AB36
1170	Buffalo National River: Fishing Regulations	1024-AB49
1171	Rocky Mountain NP: Mountain Climbing and Winter Use	1024-AB16
1172	Archeological Resources Protection Act; Department of the Interior Supplemental Regulations	1024-AA83

Bureau of Indian Affairs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1173	Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina	1076-AB54
1174	Procedures for Depositing Funds to the Credit of 14X6140- Deposits of Proceeds of Lands Withdrawn for Native Selection, BIA	1076-AB67
1175	Land Records and Title Documents	1076-AB68
1176	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AB79

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1177	Appeals from Administrative Actions	1076-AB21
1178	The Indian Police	1076-AB98
1179	Financial Assistance and Social Services Program	1076-AB99
1180	Federal Schools For Indians (Revision)	1076-AB47
1181	Education Personnel	1076-AB02
1182	The Indian School Equalization Program (New School Starts, Program Expansions, School Closures, Consolidations, and Program Reductions)	1076-AB48
1183	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1184	Administration of the Indian Adult Education Programs	1076-AA15
1185	Use or Distribution of Indian Judgment Funds	1076-AB20
1186	Loans to Indians from the Revolving Loan Fund	1076-AC00
1187	Revolving Cattle Pool	1076-AC02
1188	Loan Guaranty, Insurance, and Interest Subsidy	1076-AC01
1189	Annuity and Other Per Capita Payments	1076-AB45
1190	Individual Indian Money Accounts	1076-AB91
1191	Management of Osage Judgment Funds for Education and Socio-Economic Programs	1076-AB51
1192	Roads of the Bureau of Indian Affairs	1076-AB05
1193	San Carlos Indian Irrigation Project, Arizona	1076-AC08
1194	Life Estates and Future Interests	1076-AC06
1195	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining	1076-AB41
1196	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AC09
1197	Contracts Under Indian Self-Determination Act (Subpart H - New School Starts and Program Expansions)	1076-AB49
1198	Small Tribes Governmental Assistance Grant Program	1076-AC10
1199	Indian Business Development Program	1076-AA55
1200	Tribal Gaming Management Contracts	1076-AC07
1201	Buy Indian Act Contracting	1076-AA56

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Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1202	Law and Order on Indian Reservations	1076-AA01
1203	Law Enforcement Expenditures	1076-AB97
1204	Administration of the Higher Education Program	1076-AA10
1205	Enrollment Appeals	1076-AB95
1206	Enrollment of Indians of the San Pasqual Band of Mission Indians in California	1076-AB59
1207	Attorney Fee Contracts with Indian Tribes; Payment of Tribal Attorney Fees with Federally Appropriated Funds	1076-AB87
1208	Navajo Grazing Regulations	1076-AA33
1209	Rights-of-Way Over Indian Lands	1076-AB89
1210	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
1211	Leasing of Allotted Lands for Mining	1076-AA39
1212	Oil and Gas Mineral Agreements	1076-AA82
1213	Indian Fishing: Hoopa Valley Indian Reservation	1076-AA83

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1214	Safety Code Compliance	1076-AB61
1215	Financial Assistance and Social Services Program	1076-AB92
1216	Care of Indian Children in Contract Schools	1076-AB76
1217	Indian Education Policies	1076-AB64
1218	Indian School Equalization Program	1076-AA09
1219	Regulations for Pro Rata Shares of Tribal Funds	1076-AB65
1220	Distribution of Judgement Funds Awarded to the Osage Tribe of Indians in Oklahoma	1076-AB66
1221	Land Acquisitions	1076-AA81
1222	Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands	1076-AB90
1223	Colorado River Irrigation Project, Arizona	1076-AC04
1224	Leasing of Osage Reservation Lands, Oklahoma, for Mining Except Oil and Gas	1076-AB42
1225	Operation, Reclamation and Conservation on Mineral Lands	1076-AA40
1226	Wind River Reservation Game Code	1076-AB43
1227	Fraser River Convention Sockeye and Pink Salmon Fishery	1076-AC03
1228	Heritage Preservation	1076-AA45
1229	Subchapter M -- Indian Self-Determination and Education Assistance Act Programs	1076-AB62
1230	Contracts Under Indian Self-Determination Act	1076-AC05
1231	Uniform Administrative Requirements for Contracts and Grants	1076-AA52
1232	Special Grants for Economic Development and Core Management Grants to Small Tribes.; Subpart B - Special Grants for Economic Development	1076-AB94

Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1233	Air Quality	1010-AA61

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1234	Valuation of Coal for Royalty Purposes from Federal and Indian Leases	1010-AA83
1235	Onshore Production Reporting and Accounting	1010-AB10
1236	Recoupments and Refunds of Excess Payments Under Federal Offshore Mineral Leases	1010-AB11
1237	Extension of Protection of Proprietary Data and Information Until a Subsequent Lease Sale in an Area	1010-AA93
1238	Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA82

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Minerals Management Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1239	Development and Production Operations for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA81

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1240	Valuation of Oil for Royalty Purposes from Federal and Indian Leases	1010-AA30
1241	Valuation of Gas and Gas Products for Royalty Purposes, from Federal and Indian Leases	1010-AA54
1242	Change Effective Date of Adopted Modifications to NTL-5	1010-AB09
1243	Royalty-In-Kind Crude Oil	1010-AA31
1244	Oil and Gas and Sulphur Operations on the Outer Continental Shelf (OCS)	1010-AA53
1245	Supplemental Sales	1010-AB05
1246	Nondiscrimination in Employment in the Outer Continental Shelf	1010-AA87
1247	Prospecting for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA71

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1248	Administration of 20 Percent Set Aside	1010-AA73
1249	Assessments for Incorrect or Late Reports and Failure to Report	1010-AB08
1250	Providing Information Claiming Rewards under the Federal Oil and Gas Royalty Management Act of 1982	1010-AB02
1251	Threshold Requirement for Payments by Electronic Funds Transfer	1010-AB03
1252	Data and Information to be Made Available to the Public	1010-AB07
1253	Accidents, Fires, and Malfunctions Fact-Findings Proceedings	1010-AA88
1254	Report of Cessation of Production	1010-AB04

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1255	Termination of Jurisdiction Under SMCRA	1029-AB07
1256	Surface Coal Mining and Reclamation Operations; Two Acre Exemption Repeal	1029-AB16
1257	Surface Coal Mining Operations; Definition of In Connection With	1029-AB08
1258	Permanent Regulatory Program; Requirements for Permits for Special Categories of Mining	1029-AA54
1259	Permanent Program Performance Standards; Surface and Underground Activities; Roads	1029-AA60
1260	Permanent Regulatory Program Definition of Support Facilities	1029-AA94
1261	Exemption for Coal Extraction Incidental to Government Financed Construction	1029-AA58
1262	Requirements for Coal Exploration--Permit Requirements for Exploration Removing More than 250 Tons of Coal	1029-AA92
1263	Federal Regulatory Programs; Permit Application Fees	1029-AB15
1264	Federal Lands Program	1029-AA76
1265	Surface Coal Mining and Reclamation Operations on Indian Lands	1029-AB04
1266	Definition and Criteria for Valid Existing Rights	1029-AA77
1267	Lands Unsuitable Regulations	1029-AA90
1268	Substantial Legal and Financial Commitment	1029-AB01
1269	Permit Processing	1029-AB14
1270	Permanent Regulatory Program; Requirements for Permits, Information on Hydrologic Impacts	1029-AB11
1271	Permanent Regulatory Program Definitions; Areas Unsuitable for Mining	1029-AA80
1272	Requirements for Permits for Special Categories of Mining; Experimental Practices	1029-AB06
1273	Permanent Program Performance Standards; Disposal of Coal Mine Waste	1029-AB09
1274	Permanent Program Performance Standards; Surface Mining Activities; Contemporaneous Reclamation	1029-AB02
1275	Permanent Program Performance Standards; Surface and Underground Mining Activities; Backfilling and Grading	1029-AA57

DOI

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1276	Permanent Program Performance Standards; Highwall Policy	1029-AB10
1277	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities -- Revegetation	1029-AA86
1278	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities - Impoundments	1029-AA79
1279	Disposal of Excess Spoil on Preexisting Benches	1029-AB18
1280	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Programs; Permanent Program Inspection and Enforcement Procedures	1029-AA67
1281	Ten Day Notice Review Criteria	1029-AB12
1282	Abandoned Mine Land Reclamation; State Reclamation Grants	1029-AB13
1283	California Federal Program	1029-AB05
1284	Tennessee Program Amendment; Significant Permit Revisions	1029-AB17

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1285	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	1029-AA53
1286	Individual Civil Penalties	1029-AA81
1287	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Federal Program for A State; Procedural Requirements	1029-AA71
1288	Unsuitability Petition Process	1029-AB00
1289	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program-Ownership And Control	1029-AA56
1290	Requirements For Permits and Permit Processing; Permit Applications Minimum Requirements For Legal Financial Civil Penalties	1029-AA66
1291	Permanent Regulatory Program - Ownership Information	1029-AA96
1292	Surface Mining Permit Applications; Minimum Requirements for Information on Environmental Resources	1029-AA74
1293	Permanent Regulatory Program - Mountaintop Removal	1029-AA97
1294	Requirement to Release Performance Bonds	1029-AA91
1295	Permanent Program Performance Standards Underground Mining Activities - Hydrologic Balance Protection	1029-AA75
1296	Special Permanent Program Performance Standards; Operations on Prime Farmland	1029-AA64
1297	Collection of AML Fees - Moisture Content of Coal	1029-AB03
1298	State-Federal Cooperative Agreements	1029-AA40

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1299	Permanent Regulatory Program; Definition of Coal Preparation Plants	1029-AA73
1300	Permanent Regulatory Program Definitions	1029-AA84
1301	Permanent Program Performance Standards Definitions, Previously Mined Areas	1029-AA88
1302	Criteria for Designating Areas as Unsuitable for Mining Operations Fragile and Historic	1029-AA62
1303	Requirements for Permits and Permit Processing	1029-AA87
1304	Abandoned Mine Land Funding - Eligibility of Land Reaffected by Mining	1029-AA95

Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1305	Off-Road Vehicle Use	1006-AA06

DOI

Bureau of Reclamation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1306	Acreage Limitation Rules and Regulations	1006-AA16

Bureau of Reclamation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1307	Acreage Limitation: Revised Proposed Rules and Regulations	1006-AA15

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1308	Public Land Records	1004-AA77
1309	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1310	Exchanges - General Procedures	1004-AB28
1311	Land Classification	1004-AB19
1312	Indian Allotments	1004-AB10
1313	Rights-of-Way, Principles and Procedures	1004-AB00
1314	Rights-of-Way under the Mineral Leasing Act	1004-AA98
1315	Recreation and Public Purposes Act Leases	1004-AA73
1316	Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing - General	1004-AB13
1317	Oil and Gas Leasing - Fees, Rentals and Royalties	1004-AB31
1318	Onshore Oil and Gas Order No. 8 - Well Workovers, Completions, Abandonments	1004-AB37
1319	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66
1320	Onshore Oil and Gas Order No. 6 - Hydrogen Sulfide Operations	1004-AA67
1321	Onshore Oil and Gas Operations - Onshore Oil and Gas Order Number 4-Measurement of Crude Oil	1004-AA96
1322	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB32
1323	Geothermal Resource Operations	1004-AB18
1324	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1325	Management of Existing Leases	1004-AB38
1326	Onshore Oil and Gas Order No. 5 - Measurement of Natural Gas	1004-AB22
1327	Operating Regulations for Exploration, Development and Production	1004-AA68
1328	Multiple Use: Mining: Mining Claims Under the General Mining Laws	1004-AB04
1329	Mining Claims Under the General Mining Laws	1004-AB36
1330	Sales of Forest Products; Conduct of Sales	1004-AB39
1331	Sales of Forest Products; Award of Contract	1004-AB40
1332	Conduct of Sales (Timber)	1004-AB35
1333	Protection of Special Status Plants	1004-AB09
1334	Cultural Resource Management	1004-AA69
1335	Paleontology	1004-AA27
1336	Recreation: General	1004-AA35
1337	Off-Road Vehicles	1004-AB26
1338	Cadastral Survey	1004-AB07
1339	Unauthorized Use of Public Lands	1004-AA38

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1340	Geothermal Resource Leasing - General	1004-AA97
1341	Alaska State Selection	1004-AA12
1342	Leases, Permits and Easements	1004-AB29

DOI

Bureau of Land Management—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1343	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1344	Onshore Oil and Gas Order No. 3 - Site Security	1004-AB24
1345	Competitive Leasing; Environment	1004-AB25
1346	Grazing Administration - Exclusive of Alaska	1004-AB23
1347	Use Authorizations; Special Recreation Permits	1004-AA36

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1348	Opening and Closing Lands	1004-AA78
1349	Rights-of-Way: Principles and Procedures	1004-AA17
1350	Rights-of-Way; Principles and Procedures; Oil and Natural Gas Pipelines and Related Facilities, General	1004-AA74
1351	Oil and Gas Leasing	1004-AB30
1352	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB17
1353	Noncompetitive Leases	1004-AB33

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1354	Department of the Interior, Procurement Ethics Regulation	1093-AA06

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1355	Natural Resource Damage Assessment - Type B Amendments	1093-AA05

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1356	Natural Resource Damage Assessments	1093-AA04

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1071. DEPARTMENT OF THE INTERIOR - NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: 5 USC 301; EO 12549

CFR Citation: 43 CFR 12

Legal Deadline: None.

Abstract: This notice of proposed rulemaking proposes common regulations implementing the Office of Management and Budget guidelines which prescribe the scope, government criteria, minimum due process procedures, and other guidance for a

system for nonprocurement debarment or suspension of a nonprocurement program participant and will have governmentwide effect.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	

Small Entity: Undetermined

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Washington, DC 20240, **202 343-6431**

RIN: 1090-AA12

1072. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION (FAR)

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule will implement changes in the FAR as a result of the Small Business and Federal Procurement Competition Enhancement Act of 1984, P.L. 98-577.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: William S. Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090-AA10

1073. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090-AA14

1074. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1415

Legal Deadline: None.

Abstract: This rule will establish formal source selection procedures for the Department pursuant to FAR 15.612.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: William Opdyke, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090-AA13

DEPARTMENT OF THE INTERIOR (DOI) — Final Rule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1075. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 31 USC 501 et seq; 16 USC 452; EO 11541; 31 USC 6503 to 6504; Act of 1968; 16 USC 831h; 31 USC 6301; 5 USC 301; 24 USC 278; 31 USC 701 et seq as amended; 40 USC 474 et seq; 41 USC 5 et seq

CFR Citation: 43 CFR 12

Legal Deadline: None.

Abstract: This Notice of Proposed Rulemaking proposes common regulations establishing consistency and uniformity among Federal agencies in the administration of grants to State, local, and federally recognized Indian tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21837
Final Action	03/11/88	

Small Entity: No

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-6431**

RIN: 1090-AA11

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-RK-T

DEPARTMENT OF THE INTERIOR (DOI) — Proposed Rule Stage

Office of the Solicitor (OSOL)

1076. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None.

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update

its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Deborah Ryan Howard, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, **202 343-5216**

RIN: 1092-AA00

1077. ● TAKE PRIDE IN AMERICA

Legal Authority: 5 USC 301; 15 USC Chapter 22; 18 USC 701

CFR Citation: 43 CFR 37

Legal Deadline: None.

Abstract: The regulation will govern the commercial and noncommercial use of the Take Pride in America campaign slogan and logo by Federal agencies, States, and the private sector.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Deborah Ryan Howard, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, **202 343-5216**

RIN: 1092-AA06

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Solicitor (OSOL)

Final Rule Stage

1078. RECORDS AND TESTIMONY; FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 2

Legal Deadline: None.

Abstract: The Department's regulation will be amended to incorporate amendments to the FOIA made by the FOIA Reform Act of 1986, P.L. 99-570, and to update and clarify provisions that have been in effect since 1975.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17780
NPRM Comment Period End	06/11/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Barbara Abate, Paralegal, Department of the Interior, Office of the Solicitor, 18th & C Streets, NW, Washington, DC 20240, **202 343-5216**

RIN: 1092-AA02

1079. TRANS-ALASKA PIPELINE LIABILITY FUND

Legal Authority: 43 USC 1653(c); 33 USC 1321(p)(1),(2)

CFR Citation: 43 CFR 29

Legal Deadline: None.

Abstract: These regulations, which supervise and administer the Fund provided for by Sec. 204(c) of the Trans-Alaska Pipeline Authorization Act, 43 USC Sec 1653(c) will be amended to eliminate inconsistencies between the existing regulations and the Act, clarify language which has been found to be confusing, delete provisions that are no longer necessary, and provide a more efficient process for filing and considering claims made against the Fund.

Timetable:

Action	Date	FR Cite
NPRM	06/29/87	52 FR 24181
NPRM Comment Period End	08/28/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Robert H. Moll, Attorney-Advisor, Department of the Interior, Office of the Solicitor, Washington, DC 20240, **202 343-5216**

RIN: 1092-AA03

1080. ● IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: 15 USC 301; 31 USC 3801 to 3812

CFR Citation: 43 CFR 35

Legal Deadline: Statutory, April 19, 1987.

Abstract: The regulation will implement the Program Fraud Civil Remedies Act of 1986. It will establish administrative procedures for imposing the statutorily authorized civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	06/29/87	52 FR 24186
NPRM Comment Period End	07/29/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Barbara Abate, Paralegal, Department of the Interior, Office of the Solicitor, 18th & C Streets, NW, Washington, DC 20240, **202 343-5216**

RIN: 1092-AA05

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-17-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Proposed Rule Stage

1081. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: The Age Discrimination Act of 1975, as amended; 42 USC 6101; 45 CFR 90

CFR Citation: 43 CFR 17, Subpart C

Legal Deadline: None.

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	45 FR 976
Final Action	04/00/88	

Small Entity: No

Additional Information: LEGAL AUTHORITY: Originally scheduled: January 1979.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-3455

RIN: 1091-AA00

1082. ● NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: PL 92-318 Title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

CFR Citation: 43 CFR 17, Subpart D

Legal Deadline: None.

Abstract: The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance administered by the Department of the Interior (DOI).

No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) Provision of technical assistance; and (3) Accomplishing compliance reviews and enforcement activities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/28/88	

Small Entity: Not Applicable

Agency Contact: Henry Harper, Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, Washington, DC 20240, 202 343-3913

RIN: 1091-AA02

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Completed Actions

1083. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF THE INTERIOR PROGRAMS

Legal Authority: PL 95-602, Sec 504; 29 USC 794

CFR Citation: 43 CFR 17, Subpart E

Legal Deadline: Judicial. The Court asked that the rules be published as quickly as possible.

Abstract: This rule will provide for the enforcement of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap as applied to programs or activities conducted by the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	09/11/85	50 FR 37006
NPRM Comment Period End	11/11/85	
Final Action	03/04/87	52 FR 6549

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Joseph A. Canedo, Departmental Section 504 Program Manager, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-7494

RIN: 1091-AA01

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-RE-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1084. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat. 855, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021-1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4, Subpart D

Legal Deadline: None.

Abstract: The agency is proposing to make changes to its regulations governing appeals to the Board of Indian Appeals in order to ensure compatibility between those regulations and proposed changes to administrative appeals regulations of the Bureau of Indian Affairs in 25 CFR Part 2. The rulemaking would incorporate two specific changes to regulations in 43 CFR Part 4, Subpart D, listed on previous agenda.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Kathryn Lynn, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3816**

RIN: 1094-AA31

1085. ● BURDEN OF PROOF IN CIVIL PENALTY PROCEEDINGS

Legal Authority: 30 USC 1268; 5 USC 301

CFR Citation: 43 CFR 4.1155

Legal Deadline: None.

Abstract: The proposed amendment of 43 CFR 4.1155 would correct the allocation of the ultimate burden of persuasion as to the fact of a violation in a civil penalty proceeding under section 518 of the Surface Mining Control and Reclamation Act of 1977 by changing it from the Office of Surface Mining Reclamation and Enforcement to the person who petitions for review of the civil penalty.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	
NPRM Comment Period End	10/15/87	
Interim Final Rule	12/01/87	
Final Action Effective	01/01/88	

Small Entity: No

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA33

1086. TRIBAL ACQUISITION OF INTERESTS UNDER SPECIAL STATUTE

Legal Authority: 25 USC 2201 to 2210

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Legal Deadline: None.

Abstract: The Indian Land Consolidation Act (Act) was enacted on January 12, 1983, and changes existing law regarding the descent of Indian trust and restricted lands. The Act provides that certain undivided fractional interests in such lands can now be acquired by the tribe instead of descending by intestacy or devise. Existing regulations governing the probate of Indian lands by Indian Probate Judges must therefore be amended to conform with the Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA08

1087. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None.

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA25

1088. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.411

Legal Deadline: None.

Abstract: The agency will propose to amend its procedural regulations to provide relief to appellants who mistakenly file their notices of appeal with the Board instead of the office specified in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Agency Contact: David L. Hughes, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA30

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1089. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4, Subpart B

Legal Deadline: None.

Abstract: Rulemaking is being proposed o make express provision for in (imera review of information which is exempt, protected, or prohibited from unauthorized disclosure by Federal statute when such information is submitted in an administrative proceeding.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20755
NPRM Comment Period End	07/06/87	52 FR 20755
Final Action	11/00/87	

Small Entity: No

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA26

1090. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 et seq, Subpart L

Legal Deadline: None.

Abstract: Regulations will be proposed to add procedures for the assessment of individual civil penalties under 30 USC 1268(f).

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46846
NPRM Comment Period End	02/23/87	51 FR 46846
Final Action	09/01/87	

Small Entity: Undetermined

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA28

1091. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 et seq, Subpart L

Legal Deadline: None.

Abstract: Regulations are being proposed to add procedures for hearings and appeals under the permanent regulatory program of the Surface Mining Control and Reclamation Act of 1977 (including review of approval or disapproval of applications for permits).

Timetable:

Action	Date	FR Cite
NPRM	10/02/86	51 FR 35248
NPRM Comment Period End	11/03/86	51 FR 35248
Final Action	09/01/87	

Small Entity: Undetermined

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA29

1092. ● DEPARTMENT HEARINGS AND APPEALS PROCEDURES; SUBPART A--GENERAL; OFFICE OF HEARINGS AND APPEALS; POWER OF THE SECRETARY AND DIRECTOR

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.5

Legal Deadline: None.

Abstract: The rulemaking corrects the language in the regulation to except from the reserved powers of the Secretary and the Director in appellate and other review proceedings before the Department only those proceedings before the Interior Board of Contract Appeals which are subject to the Contract Disputes Act of 1978. Other editorial changes are made to clarify the reserved powers of the Director under delegated authority of the Secretary.

Timetable:

Action	Date	FR Cite
Final Action	09/01/87	

Small Entity: No

Agency Contact: Frances A. Patton, Special Counsel to the Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA32

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Completed Actions

1093. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201; 43 USC 1701

CFR Citation: 43 CFR 4, Subpart E

Legal Deadline: None.

Abstract: Rulemaking has been initiated to revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36414
NPRM Comment Period End	11/10/86	51 FR 36414
Final Action	06/05/87	52 FR 21307
Final Action Effective	07/06/87	52 FR 21307

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: James R. Kleiler, Attorney Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA01

DOI—OHA

Completed Actions

1094. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1275; 5 USC 301

CFR Citation: 43 CFR 4.1276

Legal Deadline: None.

Abstract: The proposed rulemaking will revise existing rules relating to time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
Existing rule will remain unchanged	00/00/00	

Small Entity: No

Agency Contact: James R. Kleiler, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094-AA10

1095. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.231(b); 43 CFR 4.236; 43 CFR 4.320(c); 43 CFR 4.323

Legal Deadline: None.

Abstract: The agency is proposing that the transcription of hearings before administrative law judges (Indian probate), which is presently required in all cases, should be made discretionary.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28846
NPRM Comment Period End	10/14/86	51 FR 28846
Final Action	07/14/87	52 FR 26344
Final Action Effective	08/13/87	52 FR 26344

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA15

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-79-T

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

1096. INJURIOUS WILDLIFE - MITTEN CRABS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None.

Abstract: Regulations will be developed which would determine whether to add the mitten crab to the list of injurious wildlife, under the Lacey Act. Such act prohibits importation and introduction into the natural eco-system of the United States any species which may pose a threat to agriculture, the health and welfare of human beings and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/87	52 FR 2748
Request for Information Mitten crabs	01/26/87	52 FR 2748
NPRM	03/00/88	

Small Entity: Not Applicable

Agency Contact: Lynn B Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018-AB04

1097. ● INJURIOUS WILDLIFE

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None.

Abstract: Regulations will be revised regarding importation of fish or fish eggs of the fish family Salmonidae.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Joseph J Webster, Acting Chief, National Fish Hatcheries, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240, 202 653-8746

RIN: 1018-AB13

1098. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Aleutian shield-fern
NPRM 04/24/87 (52 FR 13729)
Final Action 04/00/88

Bariaco
NPRM 04/24/87 (52 FR 13790)
Final Action 04/00/88

California freshwater shrimp
NPRM 04/22/87 (52 FR 13754)
Final Action 04/00/88

Chisos Mountain hedgehog cactus
NPRM 07/06/87 (52 FR 25275)
Final Action 07/00/88

Cumberland sandwort
NPRM 07/06/87 (52 FR 25268)
Final Action 07/00/88

Daphnopsis hellerana
NPRM 07/06/87 (52 FR 25265)
Final Action 07/00/88

Granite outcrop plants
NPRM 02/19/87 (52 FR 5150)
Final Action 02/00/88
Heller's blazing star
NPRM 02/19/87 (52 FR 5155)
Final Action 02/00/88
Higuero de Sierra
NPRM 01/14/87 (52 FR 1494)
Final Action 01/00/88
Houghton's goldenrod
NPRM 08/19/87 (52 FR 31045)
Final Action 08/00/88
Kearney's blue star
NPRM 07/10/87 (52 FR 26030)
Final Action 07/00/88
Lakeside daisy
NPRM 08/19/87 (52 FR 31048)
Final Action 08/00/88
Large-fruited sand verbena
NPRM 06/16/87 (52 FR 22944)
Final Action 06/00/88
Louisiana pearlshell
NPRM 04/24/87 (52 FR 13794)
Final Action 04/00/88
Mathis spiderling
NPRM 07/10/87 (52 FR 26033)
Final Action 07/00/88
Mexican and Sanborn's long nosed bats
NPRM 07/06/87 (52 FR 25271)
Final Action 07/00/88
Palo de Nigua
NPRM 04/24/87 (52 FR 13792)
Final Action 04/00/88
Pitcher's thistle
NPRM 07/20/87 (52 FR 27229)
Final Action 07/00/88
Relict trillium
NPRM 06/04/87 (52 FR 21088)
Final Action 06/00/88
Sacramento prickly poppy
NPRM 07/13/87 (52 FR 26164)
Final Action 07/00/88
Shasta crayfish
NPRM 07/10/87 (52 FR 26036)
Extend Comment Period 09/09/87 (52 FR 33980)
Final Action 11/00/88
Silverling
Withdrawn 10/25/83 (48 FR 49316)
Tipton kangaroo rat
NPRM 07/10/87 (52 FR 26040)
Extend Comment Period 09/09/87 (52 FR 33980)
Final Action 11/00/88
Visayan deer
NPRM 08/19/87 (52 FR 31051)
Final Action 08/00/88
White-haired goldenrod
NPRM 04/24/87 (52 FR 13797)
Final Action 04/00/88

Small Entity: No

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA10

1099. ● PROPOSED DETERMINATION OF NONESSENTIAL EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF THE YELLOWFIN MADTOM IN VIRGINIA

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None.

Abstract: The Service proposes to reintroduce a small catfish, the yellow madtom (Noturus flavipinnis), into the North Fork Holston River, Smyth County, Virginia, and determine this population to be a nonessential experimental population according to Section 10(j) of the Endangered Species Act of 1973, as amended. The Yellowfin madtom once likely inhabited many of the lower gradient streams of the Tennessee River basin upstream of Chattanooga, Tennessee. Presently, populations are confined to only three stream reaches in the Tennessee River Valley. This action is being taken in an effort to reestablish the yellowfin madtom within its historic range.

Timetable:

Action	Date	FR Cite
NPRM	09/08/87	52 FR 33850
Final Action	06/00/88	

Small Entity: Not Applicable

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AB08

1100. ● CAPTIVE BRED WILDLIFE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None.

Abstract: This rule will be revised to relieve certain restrictions on the public that have been determined to be outmoded, burdensome and counter productive.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Agency Contact: Larry LaRochelle, Wildlife Biologist, Office of, Management Authority, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1903**

RIN: 1018-AB10

1101. ● PROPOSED DETERMINATION OF NONESSENTIAL EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF THE NASHVILLE CRAYFISH IN TENNESSEE

Significance: Regulatory Program

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None.

Abstract: The Service proposes to reintroduce the Nashville Crayfish (Orconectes shoupi), federally listed as an endangered species, into Richland Creek, Davison County, Tennessee, and to determine this population to be a nonessential experimental population according to Section 10(j) of the Endangered Species Act of 1973, as amended. Section 10(j) of the Act authorizes nonessential experimental populations to be treated as if they were proposed species for the purposes of Section 7 of the Act. The Nashville crayfish is presently know to inhabit Mill Creek and five of its tributaries in Davidson and Williamson Counties, Tennessee.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: Not Applicable

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, **703 235-2771**

RIN: 1018-AB12

1102. MARINE MAMMALS: INCIDENTAL TAKING BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 13

CFR Citation: 50 CFR 18

Legal Deadline: None.

Abstract: The Service will develop regulations to implement a provision contained in the 1981 amendments to the Marine Mammal Protection Act, concerning the incidental taking of marine mammals by commercial fishermen. The rules would apply to those species of marine mammals for which the Service has responsibility, i.e. sea otters, walrus, polar bears, manatees, and dugongs, except those listed as depleted.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 632-2202**

RIN: 1018-AA96

1103. MARINE MAMMAL PROTECTION ACT AND ENDANGERED SPECIES ACT REVISIONS

Legal Authority: 16 USC 1371; 16 USC 1536

CFR Citation: 50 CFR 18; 50 CFR 402

Legal Deadline: None.

Abstract: This rule will implement the 1986 amendments to the Marine Mammal Protection Act to allow the incidental take of depleted as well as non-depleted marine mammals, modify standards for determining whether to allow incidental taking and require that the incidental take of endangered or threatened marine mammals not be authorized until authorized under the provisions of the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Agency Contact: Lynn B Starnes, Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 632-2202**

RIN: 1018-AB05

1104. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Marvin L. Plenert, Acting Assistant Director, Refuge and Wildlife, Department of the Interior, United States Fish and Wildlife Service, Room 3252 Interior, US Fish and Wildlife Service, Washington, DC 20240, **202 343-5333**

RIN: 1018-AB03

1105. GENERAL PERMIT PROCEDURES AND MIGRATORY BIRD PERMITS: RAPTOR PROPAGATION AND FALCONRY REGULATIONS

Legal Authority: 16 USC 703; 16 USC 1531

CFR Citation: 50 CFR 21; 50 CFR 13

Legal Deadline: None.

Abstract: This action will examine changes to the restrictions concerning propagation of raptors and standards for falconry. The Service will expand authorized activities and de-regulate certain other activities.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/86	51 FR 18812
ANPRM Comment Period End	05/23/86	51 FR 18812
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Room 300 Hamilton, US Fish and Wildlife Service, Washington, DC 20240, **202 343-9242**

RIN: 1018-AB01

1106. ● ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 23

Legal Deadline: None.

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will be clarified and revised to incorporate recommendations of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Richard Jachowski, Acting Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA29

1107. ● SPORT FISHING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Legal Deadline: None.

Abstract: The Service will review annually, and prior to each fishing season may amend fishing regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37186
Final Action	12/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983

Agency Contact: James F. Gillett, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA50

DOI—FWS

Proposed Rule Stage

1108. ● IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT

Legal Authority: 16 USC 460

CFR Citation: 50 CFR 72

Legal Deadline: None.

Abstract: This rule is necessary to implement the Klamath River Basin Fishery Resources Restoration Act. These include designation of the Klamath River Basin Conservation Area, establishment of qualifications of volunteers who carry out surveys, censuses, and other scientific studies, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/87	52 FR 9550
ANPRM Comment Period End	05/11/87	
NPRM	11/00/87	

Small Entity: Not Applicable

Agency Contact: Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-6394**

RIN: 1018-AB11

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

1109. HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS

Significance: Regulatory Program

Legal Authority: PL 97-79, 95 Stat. 073

CFR Citation: 50 CFR 14

Legal Deadline: Statutory. 180 days after enactment of Public Law 97-79, dated November 16, 1981.

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
ANPRM Notice of Public Meeting	02/26/82	47 FR 8386
ANPRM	06/30/82	47 FR 28431
NPRM	12/04/85	50 FR 49709
NPRM Comment Period End	03/05/86	51 FR 4945
Final Action	10/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Richard Jachowski, Acting Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA07

1110. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None.

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	51 FR 24559
Final Action	12/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA79

1111. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Action	Date	FR Cite
NPRM Reopen comment period	10/31/86	51 FR 39758
Final Action Withdrawn	07/27/87	52 FR 28026

Flattened musk turtle
Final Action 06/11/87 (52 FR 22418)

Pecos bluntnose shiner
NPRM 05/11/84 (49 FR 20031)
Final Action 02/20/87 (52 FR 5295)

Sacramento Mountains thistle
NPRM 05/16/84 (49 FR 20735)
Final Action 06/16/87 (52 FR 22933)

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 00/00/00

Welsh's milkweed
NPRM 06/06/84 (49 FR 23399)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: Originally scheduled: October 1984.

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA84

1112. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Bay Checkerspot butterfly
NPRM Reopen comment period 07/02/86 (51 FR 24178)
Final Action 09/18/87 (52 FR 35366)

Blackside dace
NPRM 05/21/86 (51 FR 18624)
Final Action 00/00/00

Inyo brown towhee (critical habitat)
NPRM 08/03/87 (52 FR 28787)
Final Action 00/00/00

Inyo brown towhee(listing)
NPRM 03/07/85 (50 FR 9300)
Final Action 08/03/87 (52 FR 28717)

Small Entity: Not Applicable

Additional Information: Originally scheduled: April 1985.

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA85

1113. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 00/00/00

Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Little Colorado spinedace
NPRM 05/22/85 (50 FR 21095)
Final Action 09/16/87 (52 FR 35034)

Small Entity: Not Applicable

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 6th Floor Broyhill (OES), Washington, DC 20240, **703 235-2771**

RIN: 1018-AA95

1114. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Bruneau hot spring snail
NPRM 12/30/86 (51 FR 47033)
Final Action 12/00/87

Hayun lagu
NPRM 10/25/85 (50 FR 43423)
Final Action 02/18/87 (52 FR 4907)

Jesup's milk vetch
NPRM 12/19/85 (50 FR 51718)
Final Action 06/05/87 (52 FR 21481)

Leapard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 00/00/00

Tinian monarch
NPRM 11/01/85 (50 FR 45632)
Final Action 04/06/87 (52 FR 10890)

Waccamaw silverside
NPRM 01/16/86 (51 FR 2409)
Final Action 04/08/87 (52 FR 11277)

Small Entity: Not Applicable

Agency Contact: William E Knapp, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-2271**

RIN: 1018-AA98

1115. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama red bellied turtle
NPRM 07/08/86 (51 FR 24730)
Final Action 06/16/87 (52 FR 22939)

American alligator
NPRM 06/02/86 (51 FR 19760)
Final Action 06/04/87 (52 FR 21059)

Audubon's crested caracara
NPRM 06/23/86 (51 FR 22838)
Final Action 07/06/87 (52 FR 25229)

Blackside dace
NPRM 05/22/86 (51 FR 18624)
Final Action 06/12/87 (52 FR 22580)

Blowout penstemon

NPRM 04/29/86 (51 FR 15929)
Final Action 00/00/00
Cambarus zophonastes
NPRM 05/05/86 (51 FR 16569)
Final Action 04/07/87 (52 FR 11170)
Cape Fear Shiner
NPRM 07/11/86 (51 FR 25219)
Final Action 09/25/87 (52 FR 36034)
Fish Creek Springs tui chub
NPRM 03/10/86 (51 FR 8215)
Final Action 00/00/00
Florida scrub jay
NPRM 05/21/86 (51 FR 18627)
Final Action 06/03/87 (52 FR 20715)
Geocarpon minimum
NPRM 04/10/86 (51 FR 12463)
Final Action 06/16/87 (52 FR 22930)
Gopher tortoise
NPRM 07/08/86 (51 FR 24723)
Final Action 07/07/87 (52 FR 25376)
Mount Graham red squirrel
NPRM 05/21/86 (51 FR 18630)
Final Action 06/03/87 (52 FR 20994)
Mussels, Curtis' et al
NPRM 04/07/86 (51 FR 11761)
Final Action 04/07/87 (52 FR 11162)
Nashville crayfish
NPRM 01/24/86 (51 FR 3229)
Final Action 09/26/87 (51 FR 34410)
Palo de Ramon
NPRM 04/10/86 (51 FR 12455)
Final Action 01/14/87 (52 FR 1459)
Ranched Nile crocodile-Zimbabwe
NPRM 03/07/86 (51 FR 7965)
Final Action 06/17/87 (52 FR 23148)
Ringed sawback turtle
NPRM 01/21/86 (51 FR 2741)
Final Action 12/23/86 (51 FR 45907)
Rough leaved loosestrife
NPRM 04/10/86 (51 FR 12451)
Final Action 06/12/87 (52 FR 22585)
Running Buffalo clover
NPRM 03/10/86 (51 FR 8217)
Final Action 06/05/87 (52 FR 21478)
San Rafael cactus
NPRM 03/27/86 (51 FR 10560)
Final Action 09/16/87 (52 FR 34914)
Scrub lupine
NPRM 04/24/86 (51 FR 15514)
Final Action 04/07/87 (52 FR 11172)
Spreading wild buckwheat
NPRM 04/07/86 (51 FR 11880)
Extend Comment Period 09/08/87 (52 FR 33849)
Final Action 09/00/88
Virgin River chub
NPRM 06/24/86 (51 FR 22949)
Final Action 00/00/00
Wheeler's peperomia
NPRM 04/10/86 (51 FR 12457)
Final Action 01/14/87 (52 FR 1459)
White bladderpod
NPRM 04/09/86 (51 FR 12184)
Final Action 03/11/87 (52 FR 7424)
Wide leaf warea
NPRM 05/16/86 (51 FR 18010)
Final Action 04/29/87 (52 FR 15501)
Wild Nile crocodile-Zimbabwe
NPRM 01/21/87 (52 FR 2227)
Final Action 01/00/88

Small Entity: Not Applicable

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AB02

1116. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 017

Legal Deadline: Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Action	Date	FR Cite
NPRM Extension of deadline	07/21/87	52 FR 27437

Black capped vireo
NPRM 12/12/86 (51 FR 44808)
Final Action 12/00/87
Bradshaw's lomatium
NPRM 11/21/86 (51 FR 42116)
Final Action 11/00/87
Cyathea dryopteroides and Ilex cookii
NPRM 09/25/86 (51 FR 34103)
Final Action 06/16/87 (52 FR 22936)
Florida bonamia
NPRM 11/04/86 (51 FR 40044)
Final Action 11/00/87
Florida lizards
NPRM 01/21/87 (52 FR 2242)
Final Action 01/00/88
Hualapai vole
NPRM 01/05/87 (52 FR 306)
Final Action 10/01/87 (52 FR 36776)
Miami palmetto
NPRM Extend Comment Period 07/21/87 (52 FR 27437)
Final Action 05/00/88
Pawnee montane skipper
NPRM 09/25/86 (51 FR 34106)
Final Action 09/25/87 (52 FR 36176)
Puerto Rican crested toad
NPRM 12/23/86 (51 FR 45923)
Final Action 12/00/87
Roseate tern
NPRM 11/04/86 (51 FR 40047)
Final Action 11/00/87

Small Entity: Not Applicable

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AB06

1117. ● PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None.

Abstract: The Service proposes to introduce Colorado squawfish (Ptychocheilus lucius) into the lower Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to Section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32143
Final Action	06/00/88	

Small Entity: Not Applicable

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington DC 20240, **703 235-2771**

RIN: 1018-AB09

1118. MARINE MAMMALS: REPORTING AND SEALING REQUIREMENTS FOR ALASKA NATIVES

Legal Authority: 16 USC 1382(a)

CFR Citation: 50 CFR 18

Legal Deadline: None.

DOI—FWS

Final Rule Stage

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain marine mammals lawfully taken for Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. This rule is necessary for management purposes.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49577
Extend comment period	03/25/86	51 FR 10243
Final Action	03/00/88	

Small Entity: No

Additional Information: Originally scheduled: July 1980.

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018–AA20

1119. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the 1988-89 season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/88	
NPRM	06/00/88	
Final Action	09/00/88	
1987-88 seasons		
ANPRM 03/13/87 (52 FR 7900)		
NPRM 06/03/87 (52 FR 20757)		
Final Action 09/29/87 (52 FR 36496)		
1987-88 seasons final frameworks		
Final Action 08/06/87 (52 FR 28176)		

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 254-3207

RIN: 1018–AA24

1120. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
NPRM	05/19/86	51 FR 18349
Final Action	02/00/88	

Small Entity: Undetermined

Additional Information: This action will follow that in RIN 1018-AA90 that is listed in the Regulatory Program of the United States Government. The Protocol in 1018-AA90 was reviewed by Canadian officials and they wish to reopen negotiations. This will delay indefinitely final action on development of an international agreement.

Agency Contact: Marvin Plenert, Acting Assistant, Director - Refuges and Widlife, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-5333

RIN: 1018–AA92

1121. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	09/00/88	
1987-88 season zones		
Final Action 10/05/87 (52 FR 37147)		
1988-89 season zones		
Final Action 09/00/88		

Small Entity: No

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 536 Matomic, Washington, DC 20240, 202 254-3207

RIN: 1018–AA93

1122. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26

Legal Deadline: None.

DOI—FWS

Final Rule Stage

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	
Public entry and use		
Final Action	12/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA36

1123. HUNTING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None.

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	51 FR 24179
Final Action	09/00/88	
1987-89 seasons		
Final Action	09/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA71

1124. FISH AND WILDLIFE RESTORATION GRANTS; INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 80

Legal Deadline: None.

Abstract: This action proposes to incorporate general accepted accounting principles related to interest earned on fees collected by the States through the sale of hunting and fishing licenses. The rule would require States to ensure that such interest is used in their fish and wildlife conservation programs.

Timetable:

Action	Date	FR Cite
NPRM	12/09/85	51 FR 50185
NPRM Comment Period End	03/28/86	51 FR 7579
Final Action	03/00/88	

Small Entity: No

Agency Contact: Conley Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1526**

RIN: 1018-AA97

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

1125. SOUTHERN SEA OTTER EXPERIMENTAL POPULATION

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None.

Abstract: Regulations will be proposed to identify an experimental population for the southern sea otter (Euhydra lutris nereis) as provided by Section 19(j) of the 1982 amendments to the ESA. The experimental population designation will increase management flexibility to enhance the recovery effort for this species.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 29362
ANPRM Comment Period End	11/17/86	51 FR 29362
Final Action Final Rule - Established experimental population	08/11/87	52 FR 29754
Final Action Effective	08/11/87	52 FR 29754

Small Entity: Undetermined

Agency Contact: William E Knapp, Acting Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA87

1126. NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd et seq; Withdrawal Proclamation of 2/11/80, Sec 204(c) (45 FR 9562)

CFR Citation: 50 CFR 26

Legal Deadline: None.

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Timetable:

Action	Date	FR Cite
NPRM Emergency rule	03/04/80	45 FR 14192
NPRM Propose rescinding rule	04/30/86	51 FR 16083
Withdrawn	12/12/86	51 FR 44791

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th

DOI—FWS

Completed Actions

and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA35

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-55-T

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Prerule Stage

1127. APPRAISAL AUTHORITY UNDER THE LAND AND WATER CONSERVATION FUND STATE GRANT PROGRAM

Legal Authority: 42 USC 4601; 42 USC 4633

CFR Citation: 41 CFR 114-50

Legal Deadline: None.

Abstract: Currently, appraisals of land acquisitions supported by Land and Water Conservation Fund State Grants must be reviewed by the National Park Service if they are estimated at $100,000 or more. The National Park Service will examine whether this is an appropriate threshold given the administrative burden placed on the States and the potential for abuse of the program.

Timetable:

Action	Date	FR Cite
Complete review and evaluation of current policy	12/31/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Sam Hall, Chief of Recreation Grants Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, **202 343-3700**

RIN: 1024-AB68

1128. NATIONAL PARK SERVICE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1489; 48 CFR 1452.289; 48 CFR 1453.2; 48 CFR 1453.3

Legal Deadline: None.

Abstract: The proposed regulation would establish Bureau-specific solicitation provisions, contract clauses and prescriptions for their use. These are necessary to supplement and implement the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation. This will provide standard contractual language for provisions and clauses not otherwise available in the Federal or Interior regulations that are needed by our operational contracting activities. This action should result in cost savings as this development and standardization will relieve the individual contracting activities of the responsibility of developing their own.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Lawrence E. Sawler, Chief, Acquisition and Assistance, System Branch, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 523-5021**

RIN: 1024-AB35

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

1129. UPPER DELAWARE SRR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This regulation pertains to the Upper Delaware Scenic and Recreation River in New York State. The final regulations published on June 30, 1983 prohibit certain fishing methods that are allowed by New York State law. This proposed regulation would authorize fishing in any manner consistent with existing State law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, **215 597-7075**

RIN: 1024-AA87

1130. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None.

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office,

Harpers Ferry Center, Harpers Ferry, WV 25425, **304 535-2346**

RIN: 1024-AB07

1131. HAWAII VOLCANOES NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.25

Legal Deadline: None.

Abstract: The Service is proposing to revise the fishing regulations that pertain to Hawaii Volcanoes National Park to clarify provisions that address Native Hawaiian fishing rights in the Kalapana extension area of the Park.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: David Ames, Superintendent, Hawaii Volcanoes National Park, Department of the Interior, National Park Service, Hawaii 96718-0052, **808 967-7311**

RIN: 1024-AB66

1132. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None.

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA94

1133. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None.

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, **919 473-2111**

RIN: 1024-AB54

1134. ROCKY MOUNTAIN NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7(a)

Legal Deadline: None.

Abstract: The service proposes to revise this section to further define waters closed to fishing as well as to further clarify the possession limit of fish.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: David R. Stevens, Research Biologist, Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO 80517, **303 586-2371**

RIN: 1024-AB46

1135. ROCKY MOUNTAIN NATIONAL PARK: TRUCKING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None.

Abstract: The Service proposes to revise regulations that address permit requirements and establish a fee schedule for commercial trucks that use Trail Ridge Road within Rocky Mountain National Park.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Undetermined

Agency Contact: David Essex, Chief Ranger, Rocky Mountain National Park, Department of the Interior, National Park Service, Estes Park, CO 80517, **303 586-2371**

RIN: 1024-AB67

1136. ● GLEN CANYON NATIONAL RECREATION AREA: COMMERICAL OPERATIONS AND WHITEWATER BOATING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.70

Legal Deadline: None.

Abstract: The service proposes to amend special regulations that apply to Glen Canyon National Recreation Area by clarifying provisions that pertain to commercial operations and deleting duplicative provisions that pertain to Colorado River Whitewater boat trips.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Agency Contact: John Lancaster, Superintendent, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, Box 1507, Page, AZ 86040, **602 645-2471**

RIN: 1024-AB72

1137. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Legal Deadline: None.

Abstract: The Service proposes to revise the hunting regulations that apply to the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, **505 988-6371**

RIN: 1024-AB48

1138. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None.

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable state law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, **916 241-6584**

RIN: 1024-AB61

1139. ● WHISKEYTOWN UNIT, WHISKEYTOWN - SHASTA - TRINITY NRA GOLD PANNING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None.

Abstract: The service proposes to allow visitors to engage in limited Gold Panning Activities, using pan and trowel only, in certain designated streams within the recreation area. Any gold recovered by such methods could be retained for personal, non-commercial use.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, Whiskeytown National Recreation Area, Box 188, Whiskeytown, CA 96095, **916 241-6584**

RIN: 1024-AB71

1140. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None.

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA89

1141. NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Legal Deadline: None.

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: William Tanner, Staff Park Ranger, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, **907 271-4551**

RIN: 1024-AB18

1142. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None.

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-1178**

RIN: 1024-AA80

1143. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None.

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	04/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: Draft rules have been prepared and circulated for comment to Bureaus in the Department of the Interior. Following review and approval within the Department, the rules will be sent to other Federal Agencies for comment.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1876**

RIN: 1024-AA49

1144. ● HISTORIC PRESERVATION CERTIFICATIONS PURSUANT TO SECTION 48(G) AND SECTION 170(H) OF THE INTERNAL REVENUE CODE OF 1986

Legal Authority: 16 USC 470(a) (1)(A); 26 USC 48 (g); 26 USC 170(h)

CFR Citation: 36 CFR 67, (Revised)

Legal Deadline: None.

DOI—NPS **Proposed Rule Stage**

Abstract: This proposed rule restates and makes amendments to the procedures by which owners desiring tax benefits for rehabilitation of historic buildings apply for certifications pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986. These tax laws require certifications from the Secretary of the Interior in order for taxpayers to receive tax benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Agency Contact: H. Ward Jandl, Chief, Technical Preservation Services Branch, Department of the Interior, National Park Service, P O Box 37127, Washington, DC 20013-7127, **202 343-9584**

RIN: 1024-AB73

1145. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None.

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally-owned and administered prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), Section 110 of the National Historic Preservation Act of 1966 (as amended) and the Archeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements with repositories and other parties for the care and management of collections; (c) guidelines for access to, loan of and use of collections; and (d) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	09/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: The proposed rule has been approved by the Department of the Interior and sent to the Office of Management and Budget for review and clearance. Once cleared, the rule will be sent to the House Committee on Interior and Insular Affairs and to the Senate Committee on Energy and Natural Resources thirty days prior to publication in the Federal Register for public comments.

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1876**

RIN: 1024-AB13

1146. CEMETERY SITES AND HISTORICAL PLACES

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Legal Deadline: None.

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-4551**

RIN: 1024-AA84

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Final Rule Stage

1147. APPLICABILITY AND SCOPE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 1.2; 36 CFR

Legal Deadline: None.

Abstract: The Service intends to make minor administrative changes to eleven general regulations to clarify their applicability on non-Federal lands under the legislative jurisdiction of the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/14/87	52 FR 12037
NPRM Comment Period End	05/14/87	52 FR 12037
Final Action	10/08/87	

Small Entity: No

Agency Contact: Andy Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1360**

RIN: 1024-AB64

1148. DISCRIMINATION IN EMPLOYMENT PRACTICES AND FURNISHING PUBLIC SERVICES

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 5.8; 36 CFR 5.9

Legal Deadline: None.

Abstract: The Service intends to update these two regulations to reflect provisions of existing nondiscrimination statutes and Executive Orders, although the standard provisions of contracts issued by the Service reflect current nondiscrimination policies, these

regulations were not revised as new statutory provisions were enacted.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Yes

Agency Contact: David Gackenbach, Chief, Concessions Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-8953**

RIN: 1024-AB65

1149. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None.

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22662
NPRM Comment Period End	07/15/87	52 FR 22662
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Brian McHugh, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, Ohio 44141, **216 526-5256**

RIN: 1024-AB44

1150. CANYON DE CHELLY NATIONAL MONUMENT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None.

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19735
NPRM Comment Period End	06/26/87	52 FR 19735
Final Action	01/00/88	

Small Entitv: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, **505 988-6371**

RIN: 1024-AB47

1151. ● SPRINGFIELD ARMORY MUSEUM CLOSURE

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.23

Legal Deadline: None.

Abstract: The service is issuing an interim rule closing the Springfield Armory Museum to public access and use from September 8, 1987, through April 3, 1989. This closure is necessary because of serious public safety hazards that will exist during the complete renovation of the museum and research facilities.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: W. Douglas Lindsay, Superintendent, Department of the Interior, National Park Service, Springfield Armory National Historic Site, One Armony Square, Springfield, MA 01105, **413 734-6477**

RIN: 1024-AB70

1152. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None.

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and Conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by Congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA96

1153. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None.

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: James L. Isenogle, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, **504 589-3882**

RIN: 1024-AB33

1154. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None.

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Final Action	12/00/87	

Small Entity: No

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AB10

1155. LAKE MEAD NATIONAL RECREATION AREA: NOISE ABATEMENT EXEMPTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48(i)

Legal Deadline: None.

Abstract: The proposed rulemaking pertains to Lake Mead National Recreation Area, located in Arizona and Nevada. It would allow motor vessels to exceed existing noise limitations while participating in regattas; thereby, making possible the continuation of a traditional activity.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51866
NPRM Comment Period End	01/21/86	50 FR 51866
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Newton Sikes, Chief Ranger, Department of the Interior, National Park Service, 601 Nevada Hwy., Boulder City, NV 89005, 702 293-9041

RIN: 1024-AB50

1156. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None.

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	12/00/87	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024-AB19

1157. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None.

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	12/00/87	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024-AB28

1158. DELAWARE WATER GAP NRA: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.71

Legal Deadline: None.

Abstract: Final regulations published June 30, 1983 in the Federal Register prohibit several fishing methods that are authorized by State laws in Pennsylvania and New Jersey. This proposed regulation affects the Delaware Water Gap National Recreation Area and would allow fishing in any manner consistent with the State laws of Pennsylvania and New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4511
NPRM Comment Period End	03/16/87	52 FR 4511
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA98

1159. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None.

Abstract: This rule will define the Statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709
Final Action	12/00/87	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 242-4916

RIN: 1024-AA07

1160. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None.

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National

DOI—NPS

Final Rule Stage

Park Service, PO Box 458, Ft. Smith, MT 59035, 406 666-2412

RIN: 1024-AB63

1161. MANAGEMENT OF MINING CLAIM ACTIVITIES

Legal Authority: 16 USC 3 et seq NPS Organic Act; 16 USC 1901 et seq Mining in the Parks Act of 1976

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline: None.

Abstract: As mandated by the "Mining In The Parks Act of 1976," the NPS promulgated its existing regulations to assure that operations on valid mining claims within units of the National Park System are conducted so as to prevent or minimize damage to park resources. The experience gained by the application of these regulations over the past eight years indicates that certain adjustments are now necessary to clarify and simplify the existing regulatory language and to improve the management of mineral resources within NPS units. Specifically, several sections of the current regulations either have proven difficult to interpret or pertain to a surface disturbance moratorium that expired in 1980 thus rendering them obsolete.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/84	49 FR 29415
ANPRM Comment Period End	08/20/84	49 FR 29415
30 day extension to ANPRM comment period to	09/20/84	
NPRM	04/03/87	52 FR 10866
Final Action	09/00/87	

Small Entity: No

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, Room 3223 (480), Box 37127, Washington, DC 20013-7127, 202 343-4360

RIN: 1024-AB37

1162. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None.

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	04/00/88	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA71

1163. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None.

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Final Action	05/16/88	
Final Action Effective	06/16/88	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9500

RIN: 1024-AA44

1164. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None.

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Final Action	05/16/88	
Final Action Effective	06/16/88	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9539

RIN: 1024-AA46

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Completed Actions

1165. VEHICLES AND TRAFFIC SAFETY

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 4

Legal Deadline: None.

Abstract: The service proposes to review and revise the regulations in this part, which has not undergone major revision since 1966. Revisions are expected, at a minimum, to reflect the abolishment of management categories, to provide for consistency with state vehicle codes and to strengthen the regulation pertaining to driving under the influence of alcohol or drugs.

Timetable:

Action	Date	FR Cite
NPRM	06/16/86	51 FR 21840
NPRM Comment Period End	08/15/86	51 FR 21840
Final Action	04/02/87	52 FR 10670
Final Action Effective	06/01/87	52 FR 10670

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, 18th and C Streets, NW, Washington, DC 20240, **202 343-4187**

RIN: 1024–AB06

1166. FIRE ISLAND NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Timetable:

Action	Date	FR Cite
NPRM	07/25/83	48 FR 33722
Final Action	03/10/87	52 FR 7372
Final Action Effective	04/09/87	52 FR 7372

Small Entity: No

Additional Information: Originally scheduled: October 1981.

Agency Contact: Len Frank, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-3765**

RIN: 1024–AA14

1167. YELLOWSTONE NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None.

Abstract: The Service proposes to revise existing Fishing Regulations that pertain to Yellowstone National Park. The purposes of this revision are to simplify the regulations and to improve the Service's ability to manage Fishery Resources by species.

Timetable:

Action	Date	FR Cite
NPRM	02/17/87	52 FR 4784
NPRM Comment Period End	03/19/87	52 FR 4784
Final Action	05/22/87	52 FR 19345
Final Action Effective	06/22/87	52 FR 19345

Small Entity: Undetermined

Agency Contact: Gary Brown, Assistant Chief Ranger, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone NP, WY 82190, **307 344-7381**

RIN: 1024–AB57

1168. SHENANDOAH NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.15

Legal Deadline: None.

Abstract: The service proposes to revise regulations at Shenandoah National Park, VA pertaining to Fishing Seasons, Creel Limits, Equipment Restrictions and Stream Closures.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	51 FR 35009
NPRM Comment Period End	10/31/86	51 FR 35009
Final Action	05/22/87	52 FR 19343
Final Action Effective	06/22/87	52 FR 19343

Small Entity: Undetermined

Agency Contact: Larry Hakel, Chief Ranger, Department of the Interior, National Park Service, Shenandoah National Park, Route 4, Box 292, Luray, VA 22835, **703 999-2243**

RIN: 1024–AB51

1169. BLUE RIDGE PARKWAY-COMMERCIAL VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.34(f),(g)

Legal Deadline: None.

Abstract: The Service proposes to delete these two sections which are duplicated by provisions found in 36 CFR parts 1 and 5.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28107
NPRM Comment Period End	09/04/86	51 FR 28107
Final Action	06/01/87	52 FR 20387
Final Action Effective	07/01/87	52 FR 20387

Small Entity: No

Agency Contact: Gary Everhardt, Superintendent, Department of the Interior, National Park Service, 700 Northwestern Bank Bldg., Asheville, NC 28801, **704 259-0351**

RIN: 1024–AB36

1170. BUFFALO NATIONAL RIVER: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.35

Legal Deadline: None.

Abstract: The proposed rule will allow fishing activities within Buffalo National River to continue in the traditional manner. It will permit gigging of rough fish, noncommercial capture of bait fish using traps or seines, and fishing with set lines or troutlines. It will also allow the possession and collection of terrestrial and aquatic insects by hand or hand-held net for use as bait. It will allow the possession and collection by hand-held net or seine of crayfish for consumption or bait.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37201
NPRM Comment Period End	11/19/86	51 FR 37201
Final Action	05/22/87	52 FR 19342
Final Action Effective	06/22/87	52 FR 19342

DOI—NPS

Completed Actions

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024-AB49

1171. ROCKY MOUNTAIN NP: MOUNTAIN CLIMBING AND WINTER USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None.

Abstract: This Service proposes to delete the mandatory registration system required for technical mountain climbing or winter backcountry use at Rocky Mountain National Park. This requirement has not proven effective in providing notification of overdue parties in this area and has hampered rather than supported search and rescue programs.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3285
NPRM Comment Period End	03/05/87	52 FR 3285
Final Action	06/19/87	52 FR 23304
Final Action Effective	07/20/87	52 FR 23304

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024-AB16

1172. ARCHEOLOGICAL RESOURCES PROTECTION ACT DEPARTMENT OF THE INTERIOR SUPPLEMENTAL REGULATIONS

Legal Authority: 16 USC 470aa et seq

CFR Citation: 43 CFR 7(b)

Legal Deadline: None.

Abstract: This rule supplements the uniform regulations in 43 CFR Part 7 which implement the Archeological Resources Protection Act. This rule adds a Subpart B and redesignates the uniform rule as Subpart A. The rule in Subpart B, for the Department of the Interior, provides supplemental definitions, procedures for determining loss or absence of archeological interest regarding certain material remains, detail on permitting for Indian lands, procedures for permit appeals and disputes, and supplemental civil penalty procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	50 FR 47073
NPRM Comment Period End	01/13/86	50 FR 47073
Final Action	03/23/87	52 FR 9165
Final Action Effective	04/22/87	52 FR 9165

Small Entity: No

Agency Contact: Bennie C. Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024-AA83

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-70-T

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Bureau of Indian Affairs (BIA)

1173. REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Legal Authority: PL 85-154

CFR Citation: 25 CFR 75

Legal Deadline: None.

Abstract: This rule, which is subject to review, governed the revision authorized by the Act of August 21, 1957, Pub. L. 85-154, (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518). The rule also provides procedures for maintaining a current membership roll. This Part has been redesignated from 25 CFR Part 47.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/87	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB54

1174. PROCEDURES FOR DEPOSITING FUNDS TO THE CREDIT OF 14X6140-DEPOSITS OF PROCEEDS OF LANDS WITHDRAWN FOR NATIVE SELECTION, BIA

Legal Authority: PL 94-204, 89 Stat. 1146; 43 USC 1613; 94 Stat. 2371

CFR Citation: 25 CFR 124, (Revision)

Legal Deadline: None.

Abstract: Provide up to date and correct deposit procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, Room 4604, Main Interior, 18th & C Sts., NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB67

1175. LAND RECORDS AND TITLE DOCUMENTS

Legal Authority: 25 USC 5; 25 USC 9

DOI—BIA

Prerule Stage

CFR Citation: 25 CFR 150; 43 CFR 4

Legal Deadline: None.

Abstract: This regulation will be reviewed with only minor changes expected due to a realignment of responsibilities concerning our title plants. This rule sets forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/87	
End Review	12/31/87	

Small Entity: No

Agency Contact: Howard Piepenbrink, Acting Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5473

RIN: 1076-AB68

1176. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226; 25 CFR 2

Legal Deadline: None.

Abstract: The regulations in this part provide procedures and processes for oil and gas mining leasing of Osage Reservation lands. Changes are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076-AB79

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1177. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Legal Deadline: None.

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Anne Bolton, Management Analyst, Department of the Interior, Bureau of Indian Affairs, Room 320 - Interior South, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4689

RIN: 1076-AB21

1178. THE INDIAN POLICE

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is revising its regulations governing the Bureau's police operations to make them consistent with contemporary enforcement policies and procedures and changes in the Interior Department Manual and the DIA Manual.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: James P. Donovan, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Room 1342, Code 430, Washington, DC 20245, 202 343-5786

RIN: 1076-AB98

1179. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None.

Abstract: The Bureau is amending existing Financial Assistance and Social Services Program regulations to further define the adult care services provided to Indian people. These proposed regulations define the extent of the program, establish eligibility requirements, and establish adult care services as a social services program separate and distinct from the general assistance program. The Bureau is also amending miscellaneous assistance provisions to conform with the congressional directive in Public Law 98-473. Miscellaneous assistance will be revised and defined as burial assistance. Emergency assistance previously provided under miscellaneous assistance has been transferred to general assistance by revision of CFR 20(c) on September 30, 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Louise Reyes, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB99

1180. FEDERAL SCHOOLS FOR INDIANS (REVISION)

Legal Authority: 34 Stat. 1018; 35 Stat. 783; 40 Stat. 564; 25 USC 288; 25 USC 289

CFR Citation: 25 CFR 31, (Revision)

Legal Deadline: None.

Abstract: The purpose of the proposed revision is to define the various types of schools funded by the Bureau and to clarify and define eligibiltiy for non-Indian and Indian children of less than one-fourth blood who wish to attend Bureau-funded day and boarding schools. This proposed revision will also address criteria by which these students may attend Bureau-funded schools and tuition payments related thereto. Costs related to this part will be assumed by the public school district in the form of tuition payments, at no cost to the Bureau. Tuition fees charged will be comparable to but will not exceed the tuition cost charged by the State or County in which the Bureau school is located.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	
Final Action	05/00/88	

Small Entity: No

Additional Information: Section 31.3 was revised separately and published as a proposed rule. The passage of Pub. L. 99-228 supersedes that earlier revision and the conditions under which non-eligible students may attend Bureau-funded schools are incorporated in the current revision.

Agency Contact: Elizabeth Holmgren, Education Specialist, Branch of Elementary and Secondary Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20240, **202 343-4071**

RIN: 1076-AB47

1181. EDUCATION PERSONNEL

Significance: Agency Priority

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Legal Deadline: None.

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076-AB02

1182. THE INDIAN SCHOOL EQUALIZATION PROGRAM (NEW SCHOOL STARTS, PROGRAM EXPANSIONS, SCHOOL CLOSURES, CONSOLIDATIONS, AND PROGRAM REDUCTIONS)

Significance: Regulatory Program

Legal Authority: 92 Stat 2320; 42 Stat 208

CFR Citation: 25 CFR 39, Sec 22

Legal Deadline: None.

Abstract: The addition of regulations for "School Closures and Consolidations" will address a uniform procedure for school closure and consolidation in the Bureau-operated and funded schools. The new rule would provide the Bureau advance planning time in the development of its future budgets. The companion regulation on new school starts and program expansions will appear at 25 CFR 271, Subpart H and are incorporated by reference in this Part.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076-AB48

1183. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None.

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4871**

RIN: 1076-AA11

1184. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None.

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076–AA15

1185. USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

Legal Authority: 5 USC 301; 87 Stat 466; 87 Stat 467; 87 Stat 468; 96 Stat 2512; 96 Stat 2513; 96 Stat 2514

CFR Citation: 25 CFR 87

Legal Deadline: None.

Abstract: The regulations govern the preparation of proposed plans for the use or distribution of all judgment funds awarded to Indian tribes and groups by the Indian Claims Commission, the United States Court of Claims or the United States Claims Court, excepting any tribe or group whose trust relationship with the Federal Government has been terminated and for which there exists legislation authorizing the disposition of its judgment funds; and of all funds deriving from judgments entered prior to the date of the Act for which there has been no enabling legislation. The regulations are being revised to eliminate gender-specific terminology, incorporate the provisions of the Act of January 12, 1983 and for clarification. The revisions will make the regulations current to existing laws and should enable parties affected to more easily understand the regulations. The proposed revisions are a result of a review of the rules completed on July 16, 1984.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Additional Information: The proposed revisions to 25 CFR 87 have necessitated minor technical revisions to 25 CFR 115 which will be processed in conjunction with the proposed rule.

Agency Contact: John A. Shapard, Branch Chief, Acknowledgment & Research, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3568

RIN: 1076–AB20

1186. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Legal Deadline: None.

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5831

RIN: 1076–AC00

1187. REVOLVING CATTLE POOL

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 102

Legal Deadline: None.

Abstract: This program was transferred to the Bureau of Indian Affairs in the 1950's and is currently inactive. There have been no funds appropriated for the program; therefore, this part is proposed for removal. The terms and conditions of loans of cattle by the United States government to tribes, tribal corporations or tribal members were prescribed in 25 CFR 102. The loans consisted of cattle repayable in kind or assignment of cattle under specific agreements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3657

RIN: 1076–AC02

1188. LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Legal Deadline: None.

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5831

RIN: 1076–AC01

1189. ANNUITY AND OTHER PER CAPITA PAYMENTS

Legal Authority: 5 USC 301; PL 98-64

CFR Citation: 25 CFR 111, (Revision)

Legal Deadline: None.

Abstract: Procedures will describe standards by which per capita payments to Indians out of Tribal Trust Revenue may be made by either the Secretary of the Interior or by Tribal governments.

Information on cost or benefits, if applicable, is unknown at this point.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: **Barbara Davis**, Trust Fund Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2963**

RIN: 1076-AB45

1190. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None.

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
Revise regulations for Exception Criteria	01/31/87	
NPRM	09/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: **Betty L. Wilkinson**, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4807**

RIN: 1076-AB91

1191. MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Significance: Agency Priority

Legal Authority: 86 Stat 1295

CFR Citation: 25 CFR 122

Legal Deadline: None.

Abstract: The implementing rule for 25 CFR 122 has been reviewed and a determination was made that the portion of the regulations governing socio-economic programs is no longer needed. The rule will be revised to remove that portion of the program.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: **Esther Whalen**, Chief, Branch of Postsecondary Education, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4871**

RIN: 1076-AB51

1192. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Significance: Agency Priority

Legal Authority: 25 USC 13; 25 USC 318(a); PL 97-424, Sec 105(a)(3); 23 USC 109(o); 23 USC 112(b); 23 USC 114(c); 23 USC 202(e); 23 USC 204; 23 USC 217

CFR Citation: 25 CFR 170

Legal Deadline: None.

Abstract: Indian reservation road construction is funded from the Highway Trust Fund. Other provisions include a requirement for proper maintenance of roads, applications of the "Buy Indian" and Indian Self Determination Acts, and joint program management by the Secretaries of Interior and Transportation. These changes in the law make changes in regulations imperative. The no-action alternative would leave program managers with outdated guidelines. Cost of the action will be minimal and it imposes no burden on the public. Benefits will be a better ordered road construction and maintenance program on Indian reservations, greater management efficiency, and clarity of procedures for federal managers, legislators and tribal officials. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: **James T. Ball**, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4359**

RIN: 1076-AB05

1193. ● SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Significance: Agency Priority

Legal Authority: 43 Stat 476, Sec 5; 45 Stat 210; 45 Stat 211; 5 USC 301

CFR Citation: 25 CFR 177

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is amending the pertinent sections of the regulations governing charges and costs assessed the electric power customers for the electric power, energy and associated electric power services provided by the San Carlos Indian Irrigation (Project), Arizona. The purpose of the regulatory amendments is to increase the costs to the public for the services provided by the electric power division of the Project. The proposed rules increase the electric power assessment rates in the residential and general service rate schedules. This action causes the generation of needed additional revenues for the Project. The increased assessment rates reflect the increased operating costs associated with labor, equipment and supplies. The electric power bills for service under the residential and general rate schedules will be increased by approximately 12.4 percent.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	
NPRM Comment Period End	09/16/87	
Final Action	10/01/87	

Small Entity: No

Agency Contact: **Samuel Miller**, Water and Land Resources Officer, Division of Water and Land Resources, Department of the Interior, Bureau of Indian Affairs, 18th and C Street, NW, Washington, SC 20240, **202 343-4004**

RIN: 1076-AC08

1194. LIFE ESTATES AND FUTURE INTERESTS

Significance: Agency Priority

Legal Authority: 25 USC 372; 25 USC 373; 25 USC 487; 25 USC 607; 25 USC 2201 to 2211

CFR Citation: 25 CFR 179

Legal Deadline: None.

Abstract: The proposed rule would add a new part 179 to Title 25 of the Code of Federal Regulations to set forth the authorities, policy, and procedures to be followed in the administration of life estates and future interests on Indian land. These regulations are being proposed to address the need for a clearly stated uniform policy. At the present time, there are no regulations dealing with life estates and future interests, even though these have become increasingly prevalent in the activities of Indians and the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Street, NW, Washington, DC 20240, **202 343-5473**

RIN: 1076–AC06

1195. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None.

Abstract: This rule is being revised to insure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Not Applicable

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2790**

RIN: 1076–AB41

1196. ● LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat 543; Sec 1, 45 Stat 1478; Sec 2, 45 Stat 1478; Sec 1, 45 Stat 1479; Sec 2, 45 Stat 1479

CFR Citation: 25 CFR 226

Legal Deadline: None.

Abstract: The rules are being amended to strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in the Kansas-Oklahoma area. These regulations will improve the management of the Osage mineral estate and will alleviate the economic hardship placed on the oil lessees.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-2790**

RIN: 1076–AC09

1197. CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT (SUBPART H - NEW SCHOOL STARTS AND PROGRAM EXPANSIONS)

Significance: Agency Priority

Legal Authority: 88 Stat. 2203; 42 Stat. 208

CFR Citation: 25 CFR 271

Legal Deadline: None.

Abstract: The purpose of the addition of the new rule "New Starts and Program Expansions," is to establish uniform application procedures and approval criteria for tribes seeking to operate new schools or to expand existing education programs through funding by the Indian School Equalization Formula. This rule would provide further clarification of the clause "adequate, free public school facilities" and refine existing criteria.

Timetable:

Action	Date	FR Cite
Hearings held with Indian leadership	08/00/86	
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: Adds a new Subpart H to 25 CFR 271.

Agency Contact: Elizabeth Holmgren, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts., NW, Washington, DC 20245, **202 343-4071**

RIN: 1076–AB49

1198. ● SMALL TRIBES GOVERNMENTAL ASSISTANCE GRANT PROGRAM

Significance: Agency Priority

Legal Authority: 25 USC 450; 25 USC 13

CFR Citation: 25 CFR 279

Legal Deadline: None.

Abstract: This is a new program which will provide grants to small tribes to enable them to establish, improve or maintain basic governmental functions. This grant program will provide resources needed to allow small tribes to improve their capacity and ability to govern. The program also represents a refocus or redirection of activities previously conducted under the Self-Determination and Small Tribes Core Management Grant Programs, therefore, Parts 272 and 278 are proposed for removal from 25 CFR Subchapter M.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	

Small Entity: No

Agency Contact: George Clark, Division of Self-Determination Services, Office of Tribal Services, Department of the Interior, Bureau of Indian Affairs,

1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4796**

RIN: 1076-AC10

1199. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None.

Abstract: This rule will activate an old grant program that has been granted appropriation authority since FY 1986. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: **Joe Weller**, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Trust and Economic Development, Division of Financial Assistance, Washington, DC 20240, **202 343-5831**

RIN: 1076-AA55

1200. TRIBAL GAMING MANAGEMENT CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 81; 25 USC 415; 25 USC 301

CFR Citation: 25 CFR 287

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is proposing a new rule which establishes the requirements to be met and procedures to be followed to obtain approval of management contracts for tribal gaming enterprises. This action is necessary because the federal courts have held that such management contracts are null and void without Secretarial approval pursuant to 25 U.S.C. 81. The intended effect of this rule is to replace the administrative guidelines previously announced by the Bureau for approval of such contracts and to establish uniform minimum standards for the review and approval of all such gaming management contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: **Catherine Wilson**, Staff Assistant, Office of the Assistant Secretary, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, **202 343-4576**

RIN: 1076-AC07

1201. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Legal Deadline: None.

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
Proposed	11/15/84	49 FR 45187
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	04/00/88	

Small Entity: Yes

Additional Information: Originally scheduled: April 1982.

Agency Contact: **Peter A. Campanelli**, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3498**

RIN: 1076-AA56

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Final Rule Stage

1202. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: This Part is being revised to provide Courts of Indian Offenses with a complete and updated code of laws and to clarify the jurisdiction of those courts and their relationship to tribal governments and the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Final Action	11/30/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: **Joseph Little**, Judicial Services Staff, Law Enforcement, Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-1710**

RIN: 1076-AA01

1203. LAW ENFORCEMENT EXPENDITURES

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is developing a rule prohibiting the expenditure of Bureau of Indian Affairs law enforcement funds in those areas of

Indian country where there is state jurisdiction over criminal offenses committed by or against Indians.

Timetable:

Action	Date	FR Cite
NPRM	03/26/87	52 FR 9669
NPRM Comment Period End	05/26/87	52 FR 9669
Final Action	09/00/87	

Small Entity: No

Agency Contact: James P. Donovan, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Room 1342, Code 430, Washington, DC 20245, **202 343-5786**

RIN: 1076–AB97

1204. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None.

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6482
NPRM Comment Period End	05/04/87	52 FR 11503
Final Action	09/00/87	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4871**

RIN: 1076–AA10

1205. ENROLLMENT APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 62

Legal Deadline: None.

Abstract: The regulations contained in 25 CFR Part 62 are general regulations that govern appeals from adverse enrollment actions. This rulemaking action will revise the regulations to clarify the purpose of the rule and to make general changes of an administrative nature including the elimination of sex-based and gender specific terminology. This Part has been redesignated from 25 CFR Part 42.

Timetable:

Action	Date	FR Cite
Final Action	09/30/87	

Small Entity: Undetermined

Additional Information: It has been determined that this is a rule of agency procedure and practice and therefore does not require publication of a proposed rule.

Government Levels Affected: Federal

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3592**

RIN: 1076–AB95

1206. ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 76

Legal Deadline: None.

Abstract: This rule governed the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is a continued need for this rule. However, the regulations do need to be revised. This rulemaking action will revise the regulations to make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology and to provide procedures for the preparation of a current roll to serve as the basis for the distribution of judgment funds. This Part has been redesignated from 25 CFR Part 48.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20727
NPRM Comment Period End	06/03/87	52 FR 20727
Final Action	09/00/87	

Small Entity: No

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076–AB59

1207. ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to .46

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive Federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	12/00/87	

Small Entity: No

Agency Contact: Frank Keel, Special Assistant, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 201, Washington, DC 20245, **202 343-1861**

RIN: 1076-AB87

1208. NAVAJO GRAZING REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 167

Legal Deadline: None.

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d and 640d-28. The rule will form Subpart B of the Existing Navajo Grazing Regulations, which are redesignated as Subpart A of 25 CFR Part 167.

Timetable:

Action	Date	FR Cite
NPRM	03/05/87	52 FR 6822
NPRM Comment Period End	08/03/87	52 FR 6822
Final Action	09/00/87	

Small Entity: No

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulation of 25 CFR 167 and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi partitioned lands on September 8, 1982. During the past year several meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo partitioned land in the regulations. The Navajo Tribe expressed the desire for separate regulations and Bureau has drafted a new regulation for Navajo Partitioned Land within the existing 25 CFR Part 167.

Agency Contact: Frank H. Khattat, Natural Resources Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-3959**

RIN: 1076-AA33

1209. RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs intends to amend several sections of its rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

Timetable:

Action	Date	FR Cite
Final Action	04/00/88	

Small Entity: No

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, **202 343-3611**

RIN: 1076-AB89

1210. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None.

Abstract: The regulations in this Part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one Part. This Part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2790**

RIN: 1076-AA38

1211. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None.

Abstract: As a result of review, it has been determined that this Part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 225 and in the revisions to 25 CFR Part 211. This Part has been redesignated from 25 CFR Part 172.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Removal of rule	10/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2790**

RIN: 1076-AA39

1212. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 763

CFR Citation: 25 CFR 225

Legal Deadline: None.

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral

DOI—BIA **Final Rule Stage**

Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
Final Action	10/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Joseph Johnston, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2790**

RIN: 1076-AA82

1213. INDIAN FISHING: HOOPA VALLEY INDIAN RESERVATION

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301; Reorganization Plan No. 3 of 1950; 64 Stat. 1262

CFR Citation: 25 CFR 250

Legal Deadline: None.

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/24/83	48 FR 29004
Final Action	09/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior, 18th & C Streets, NW, Washington, DC 20245, 202 **343-4088**

RIN: 1076-AA83

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Completed Actions

1214. SAFETY CODE COMPLIANCE

Significance: Regulatory Program

Legal Authority: 25 USC 2005(b)

CFR Citation: 25 CFR Not yet determined

Legal Deadline: None.

Abstract: Legislation in Public Law 95-561 (25 U.S.C. 2005(b)) requires the establishment of a central jurisdictional authority for the adoption, interpretation, administration and enforcement of Bureau-wide adopted codes and standards. The Bureau will develop standards by which to measure the quality of building construction and safety and will establish a central authority to perform oversight functions to assure adequate life and structural safety.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Agency Contact: Pete Dexter, Safety Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, Field Safety Office, P.O. Box 2186, Albuquerque, NM 87103, **505 766-2863**

RIN: 1076-AB61

1215. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None.

Abstract: The Bureau is developing a quality assurance system for inclusion in 25 CFR 20. The system would provide for an ongoing evaluation of the administration of the Bureau's general assistance program in accordance with established Bureau policies and procedures. The rulemaking actions will complete an earlier initiative to develop a quality assurance system which began in a previous rulemaking action with regard to the implementation of the provisions of Public Law 98-473.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Agency Contact: Louise Reyes, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB92

1216. CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Legal Deadline: None.

Abstract: This rule is being proposed for removal.

The rule governed the contracting by missions, associations and other eleemosynary institutions for care of Indian children who resided within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17988
Proposed removal	05/13/87	52 FR 17988
NPRM Comment Period End	06/12/87	52 FR 17988
Final Rule Removal	08/18/87	52 FR 30920

Small Entity: No

Agency Contact: Louise Reyes, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Code 450 - Room 312 South, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB76

1217. INDIAN EDUCATION POLICIES

Significance: Regulatory Program

Legal Authority: 25 USC 2010; 25 USC 2013

CFR Citation: 25 CFR 32

Legal Deadline: None.

Abstract: Policy statements under this part are generally broad, rhetorical, and nonmeasurable. The revision will address the strengthening of the policies that seemed unmeasurable, conflicting and needed clarification.

Timetable:

Action	Date	FR Cite
Consultation with tribes	03/00/87	
Withdrawn No further action will be taken on the rule at this time.	10/00/87	

Small Entity: Undetermined

Agency Contact: Ron Eden, Acting Director, OIEP, Department of the Interior, Bureau of Indian Affairs, Rm. 3530-Main Int., 18th & C Streets, NW, Washington, DC 20245, **202 343-2175**

RIN: 1076–AB64

1218. INDIAN SCHOOL EQUALIZATION PROGRAM

Significance: Agency Priority

Legal Authority: PL 95-561; 25 USC 2008

CFR Citation: 25 CFR 39, (Revision)

Legal Deadline: None.

Abstract: This rule, which contains the funding mechanism for Bureau operated and contract elementary and secondary schools, has been reviewed and will be revised when academic and dormitory standards are finalized in 25 CFR Part 36.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076–AA09

1219. REGULATIONS FOR PRO RATA SHARES OF TRIBAL FUNDS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 112

Legal Deadline: None.

Abstract: Procedures and criteria for filing application for pro rata share of tribal funds. No alternatives are under active consideration. Regulations will be reviewed for any necessary updates, clarity, etc. No cost or benefit estimates applicable at this time.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2963**

RIN: 1076–AB65

1220. DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 121

Legal Deadline: None.

Abstract: 25 CFR 121 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

The regulations in this part govern the distribution, pursuant to the act of October 27, 1972, of judgement funds awarded to the Osage Tribe of Indians of Oklahoma.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: No

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Room 4513, Main Interior, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2963**

RIN: 1076–AB66

1221. LAND ACQUISITIONS

Legal Authority: PL 97-459

CFR Citation: 25 CFR 151

Legal Deadline: None.

Abstract: The Bureau proposes to publish amendments to Part 151 dealing with acquisition of fractional interests in land. Simultaneously, this rule will be reviewed to determine if all provisions are current and up-to-date.

Timetable:

Action	Date	FR Cite
NPRM	06/23/87	52 FR 23560
NPRM Comment Period End	08/07/87	52 FR 23560
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Additional Information: A recent District Court opinion has held that a portion of our Land Acquisition Regulations are unconstitutional. This decision is being appealed to the Supreme Court. Depending on outcome, these rules may have to be revised.

Agency Contact: Lee Maytubby, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-3837**

RIN: 1076–AA81

1222. ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Significance: Agency Priority

Legal Authority: 25 USC 378 to 379; 25 USC 404 to 405; 25 USC 372 to 373; 25 USC 483; 25 USC 355; 25 USC 2201 to 2211

CFR Citation: 25 CFR 152

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs proposes to revise certain sections of 25 CFR 152 which involve the issuance of fee patents, removal of restrictions, certificates of competency and the sale of certain Indian land. These regulations preclude the sale and/or exchange of tribal land except through special authorized legislation. The Indian Land Consolidation Act, Public Law 97-459, enacted on January 12, 1983 and subsequently amended on October 30, 1984, enables Indian tribes to sell or

exchange tribal land for the express purpose of consolidating tribal landholdings. The regulations are being revised to reflect the changes made by the legislation. In addition, the partitioning section is being revised for the purpose of clarification.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Agency Contact: Lee Maytubby, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, 202 343-3837

RIN: 1076-AB90

1223. COLORADO RIVER IRRIGATION PROJECT, ARIZONA

Legal Authority: 5 USC 301; 62 Stat. 273

CFR Citation: 25 CFR 175; 25 CFR 176; 25 CFR 177

Legal Deadline: None.

Abstract: This action consolidates Parts 175, 176 and 177 into Part 175 to provide consistent administration of the electric power portion (utilities) of the Colorado River, Flathead, and San Carlos irrigation projects, respectively, as well as other existing and future utilities within the Bureau of Indian Affairs. Additionally, new procedures are established for adjusting electric power rates and service fees, including public involvement in the rate setting process, and updating the policy, practices, and procedures of the utilities as needed. Part 175 would be retitled, "Electric Power Utilities" and Parts 176 and 177 would be removed.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: No

Agency Contact: Samuel Miller, Water and Land Resources Officer, Division of Water and Land Resources, Department of the Interior, Bureau of Indian Affairs, 18th and C Street, NW, Washington, DC 20240, 202 343-4904

RIN: 1076-AC04

1224. LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING EXCEPT OIL AND GAS

Legal Authority: Sec. 3, 34 Stat. 543

CFR Citation: 25 CFR 214

Legal Deadline: None.

Abstract: This rule is being reviewed and updated to take account of changes in mineral market conditions, interest rates, and various aspects of the local situation on the Osage Reservation since the rule was originally published.

Timetable:

Action	Date	FR Cite
Withdrawn No further action will be taken on the rule at this time.	10/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076-AB42

1225. OPERATION, RECLAMATION AND CONSERVATION ON MINERAL LANDS

Legal Authority: 25 USC 380; 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477; 42 USC 4332

CFR Citation: 25 CFR 216

Legal Deadline: None.

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Div. of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076-AA40

1226. WIND RIVER RESERVATION GAME CODE

Legal Authority: 43 USC 1457; 25 USC 2; 25 USC 9; 64 Stat. 1262; 18 USC 1165; 16 USC 3371 to 3378; 15 Stat. 673; 5 USC 301

CFR Citation: 25 CFR 244

Legal Deadline: None.

Abstract: The interim rule will provide regulations governing hunting of big and small game on the Wind River Indian Reservation in Wyoming, to conserve, protect and increase the currently depleted populations. No alternative actions for addressing the problem are being considered. The program will be confined to a localized area, and economic effects will be relatively insignificant. Benefits will be conservation of existing populations through reduced hunting mortality. Costs for personnel and equipment to enforce the regulations are estimated at $235,000 for the first year and $200,000 annually thereafter, to be derived by reallocation of existing funding.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/84	49 FR 39308
Final Action	06/25/87	52 FR 23805
Final Action Effective	07/27/87	52 FR 23805

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Room 4555, Washington, DC 20245, 202 343-4088

RIN: 1076-AB43

1227. FRASER RIVER CONVENTION SOCKEYE AND PINK SALMON FISHERY

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 301

CFR Citation: 25 CFR 249

Legal Deadline: None.

Abstract: It is proposed that 25 CFR 249, Subpart B, Fraser River Convention Sockeye and Pink Salmon Fishery, be removed as a result of the United States and Canada entering into a new treaty on January 28, 1985, which terminated both the 1930 Convention and the International Pacific Salmon Fisheries Commission (IPSFC). Based on the 1985 treaty, there is no longer a need for this subpart. In 1986, and thereafter, the fishery will be governed by the regulations adopted by the Fraser River Panel and approved by the State Department and by Tribal regulations that are consistent with the Fraser River Panel regulations.

Timetable:

Action	Date	FR Cite
Final Action	03/26/87	52 FR 9655
Final Action Effective	03/26/87	52 FR 9655

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife and Recreation, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4088**

RIN: 1076–AC03

1228. HERITAGE PRESERVATION

Legal Authority: 16 USC 469; 16 USC 470aa; 16 USC 470f; 42 USC 1996

CFR Citation: 25 CFR 261

Legal Deadline: None.

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Timetable:

Action	Date	FR Cite
NPRM Subpart A	09/15/80	45 FR 60923
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: George Farris, Chief, Environmental Services Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-6574**

RIN: 1076–AA45

1229. SUBCHAPTER M -- INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

Significance: Regulatory Program

Legal Authority: 25 USC 450 et seq; PL 98-250

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 276; 25 CFR 277; 25 CFR 278

Legal Deadline: None.

Abstract: Technical amendments to the Indian Self-Determination Act permit Indian tribes, by mutual agreement, to enter into grants, cooperative agreements and contracts with the Bureau of Indian Affairs. As there are no regulatory provisions for the award of grants or cooperative agreements, the regulations will be revised to include such awards, as well as make general revisions to simplify and clarify the regulatory provisions pertaining to the contractibility of the trust, administrative and legal service functions performed by the Bureau.

Timetable:

Action	Date	FR Cite
Withdrawn No action taken at this time due to pending legislation.	10/00/87	

Small Entity: Undetermined

Additional Information: Individual regulatory actions for 25 CFR Parts 271, 272, 274, 276, 277 and 278 have been consolidated as one action in the semi-annual agenda and the Regulatory Planning Program. The regulatory identification number for Subchapter M in the Regulatory Planning Program is 1076-AB62 which now includes all previous regulatory actions identified under 1076-AA47, 1076-AA48, 1076-AA50, 1076-AA52, 1076-AA53, and 1076-AA54, respectively, for the 25 CFR Parts listed above.

Agency Contact: Joseph Little, Actg. Chief, Division of Self-Determination, Office of Indian Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4796**

RIN: 1076–AB62

1230. CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT

Significance: Agency Priority

Legal Authority: 25 USC 450f

CFR Citation: 25 CFR 271.54

Legal Deadline: None.

Abstract: Various procedures associated with the operation of the indirect cost system have imposed major difficulties on projecting funding and the recovery of all indirect costs by tribal contractors. The Bureau is proposing to revise its regulations to reduce critical problems tribal contractors experience while operating under the indirect cost system. The proposed rule also will bring the procedure for funding tribal contractors fully in line with the intent of PL 93-638, Section 106(h). The proposed rule change will be effective for PL 93-638 contracts consummated or awarded under the Act on or after October 1, 1987.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: No

Agency Contact: Joseph Little, Actg. Chief, Division of Self-Determination, Office of Tribal Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, **202 343-4796**

RIN: 1076–AC05

DOI—BIA

Completed Actions

1231. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR CONTRACTS AND GRANTS

Legal Authority: PL 93-638

CFR Citation: 25 CFR 276

Legal Deadline: None.

Abstract: This rule establishes the requirements for the uniform administration of contracts and grants to Indian Tribal Governments pursuant to P.L. 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40353
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Peter Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3498**

RIN: 1076-AA52

1232. SPECIAL GRANTS FOR ECONOMIC DEVELOPMENT AND CORE MANAGEMENT GRANTS TO SMALL TRIBES. SUBPART B - SPECIAL GRANTS FOR ECONOMIC DEVELOPMENT

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 278, Subpart B

Legal Deadline: None.

Abstract: Special Grants for Economic Development - Subpart B should be deleted from 25 CFR 278. With the enactment of Public Law 98-449 "Indian Financing Act Amendments" and the completion of appropriate revisions to 25 CFR 286, Indian Business Development Program, it will be possible to remove 25 CFR 278.

Timetable:

Action	Date	FR Cite
Withdrawn No action will be taken at this time.	10/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Woody Sneed, Financial Analyst, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-1401**

RIN: 1076-AB94

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-02-T

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Minerals Management Service (MMS)

1233. AIR QUALITY

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Legal Deadline: None.

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. A determination of potential costs and benefits cannot be made until responses to the Advance Notice of Proposed Rulemaking are analyzed. The DOI has conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If the affected parties involved can develop a mutually agreeable set of requirements, then DOI will initiate rulemaking based on that agreement.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	
Reach agreement on a negotiated rule or begin development of rule through standard processes	10/00/87	
Complete Determination of Effects of Rules	01/00/88	
NPRM	03/00/88	
NPRM Comment Period End	06/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 **648-7818**

RIN: 1010-AA61

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Proposed Rule Stage

1234. VALUATION OF COAL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 192 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: This regulation will provide consistent valuation procedures for coal for the purpose of royalty computations. It is being prepared in response to a Linowes Commission recommendation for a detailed definitive product valuation regulation which contains clear terms and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01 15/87	52 FR 1840
NPRM Comment Period End	04/15/87	
Reopen Public Comment Period	07/09/87	52 FR 25887
Reopened Public Comment Period End	07/23/87	
Reopen Public Comment Period	08/12/87	52 FR 29868
Reopened Public Comment Period End	10/13/87	
Final Action	07/00/88	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA83

1235. ● ONSHORE PRODUCTION REPORTING AND ACCOUNTING

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 216; 43 CFR 3160

Legal Deadline: None.

Abstract: This rulemaking is needed to redesignate the Bureau of Land Management regulations at 43 CFR 3160 applicable to production reporting and accounting to Minerals Management Service regulations at 30 CFR 216 to reflect the transfer in functions. Also, a requirement will be added for unique information needed to report information by oil and gas well.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AB10

1236. ● RECOUPMENTS AND REFUNDS OF EXCESS PAYMENTS UNDER FEDERAL OFFSHORE MINERAL LEASES

Legal Authority: 43 USC 1339

CFR Citation: 30 CFR 230

Legal Deadline: None.

Abstract: This rulemaking is needed to add new regulations covering recoupment and refunds of excess payments made under Federal offshore mineral leases which are subject to section 10 of the Outer Continental Shelf Lands Act of 1953 (OCSLA), 43 USC 1339. This rule would establish requirements and guidelines for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future payment obligation or refunding such excess payment to any person lawfully entitled to receive a refund or credit for an overpayment made under an offshore lease. The new regulation is intended to lessen confusion on the part of payors, operators, and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AB11

1237. EXTENSION OF PROTECTION OF PROPRIETARY DATA AND INFORMATION UNTIL A SUBSEQUENT LEASE SALE IN AN AREA

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 251.14

Legal Deadline: None.

Abstract: In some instances, current regulations result in release of proprietary data and information before the company which collected the data and information is able to use it during a lease sale in the area to which the data and information pertain. The proposed rule will revise the regulations to ensure that parties generating proprietary data and information are able to use the data and information in at least one lease sale.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: No

Additional Information: RIN's 1010-AA93 and 1010-97 have been combined into 1010-AA93.

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7820**

RIN: 1010-AA93

1238. LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 281

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

DOI—MMS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	04/19/85	50 FR 15590
ANPRM Comment Period End	08/19/85	
NPRM	09/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7820**

RIN: 1010-AA82

1239. DEVELOPMENT AND PRODUCTION OPERATIONS FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 282

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/86	51 FR 12163
ANPRM Comment Period End	08/07/86	
NPRM	10/00/87	
NPRM Comment Period End	01/00/88	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7820**

RIN: 1010-AA81

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Final Rule Stage

1240. VALUATION OF OIL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206; 25 CFR 211; 25 CFR 212

Legal Deadline: None.

Abstract: Consistent oil valuation for royalty computation purposes from Federal and Indian leases will be prepared in response to a Linowes Commission recommendation that the Minerals Management Service issue detailed, definitive product valuation guidelines.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01/15/87	52 FR 1858
NPRM Comment Period End	04/15/87	
Further Notice of Proposed Rulemaking	08/17/87	52 FR 30826
Final Action	09/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA30

1241. VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES, FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: Consistent gas and gas products valuation regulations for Royalty computation purposes, from Federal and Indian leases will be prepared. These regulations are in response to a Linowes Commission recommendation that Minerals Management Service issue detailed, definitive product valuation regulations. These regulations will provide clear terms and procedures and will help clarify areas which are ambiguous.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	02/13/87	52 FR 4732
NPRM	08/17/87	52 FR 30776
Final Action	09/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA54

1242. CHANGE EFFECTIVE DATE OF ADOPTED MODIFICATIONS TO NTL-5

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) published a Notice in the Federal Register on July 25, 1986 (51 FR 26759), to modify Notice to Lessees Number 5 (NTL-5) to provide more flexibility in valuing for royalty purposes, natural gas produced from onshore Federal and Indian leases. The modification was effective on August 1, 1986. However, MMS has received many complaints from industry that the prospective August 1, 1986, effective date of the modification, in some cases, leads to results which are unreasonable and contrary to applicable mineral leasing laws. Consequently, MMS proposes to make the effective date retroactive to a date to be established based on comments received.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 1671
NPRM Comment Period End	02/17/87	
Reopen Public Comment Period	07/01/87	52 FR 24536
Extend Reopened Public Comment Period	07/15/87	52 FR 26575
Reopened Public Comment Period End	07/15/87	
Reopened Public Comment Period End	07/31/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AB09

1243. ● ROYALTY-IN-KIND CRUDE OIL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq; 43 USC 1331 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 208; 30 CFR 209

Legal Deadline: None.

Abstract: The Royalty-In-Kind provisions of these rules, some of which were transferred from the Department of Energy, will be revised in order to simplify and streamline the Federal Government's process for selling its royalty crude oil. The contents of existing 30 CFR 208 and 30 CFR 209 will be combined at new 30 CFR 208. 30 CFR 209 will be removed. The revised rule would establish uniformity within the regulatory text, provide industry with a more efficient and responsive Royalty-in-Kind Program and improve the Federal Government's administration of this program.

Timetable:

Action	Date	FR Cite
ANPRM	10/10/82	47 FR 50924
ANPRM Comment Period End	01/10/83	
NPRM	01/20/87	52 FR 2202
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA31

1244. OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF (OCS)

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250, (Revision)

Legal Deadline: None.

Abstract: The rules at 30 CFR 250 will be revised by consolidating regulations, OCS Orders, Notices to Lessees, and related offshore operating requirements into a unified body of regulations; eliminating burdensome and counterproductive requirements; adding performance standards; and simplifying and streamlining these rules to the maximum extent practicable. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9316
NPRM Comment Period End	11/25/86	51 FR 40819
Complete Initial Review of public comments	09/00/87	
Complete draft of Final Rule	12/00/87	
Final Action	04/00/88	
Final Action Effective	07/00/88	

Small Entity: No

Additional Information: Merged in whole or in part into one rulemaking: 1010-AA11, 30 CFR 250.70 and .80, Penalties; 1010-AA13, 30 CFR 250.3, Disclosure of Information; 1010-AA25, OCS Order No. 2, para. 8, Safety Requirements for Drilling Operations in an H2S Environment; 1010-AA26, OCS Order No. 6, Well Completion of Oil & Gas Wells; 1010-AA28, OCS Order No. 11, Oil & Gas Production Rates, Prevention Waste, & Protection of Correlative Rights; 1010-AA32, 30 CFR 250.45, Reports of Accidents & Malfunctions; 1010-AA34, 30 CFR 250.75, Self-Inspection; 1010-AA47, 30 CFR 250.80-2, Remedies & Penalties; 1010-AA48, 30 CFR 250, Environmental Reports; 1010-AA49, 30 CFR 250, Protection of Cultural Resources; 1010-AA50, 30 CFR 250.35, Effects of Drilling & Reworking on Lease Term; 1010-AA51, OCS Order No. 5, Production Safety Systems; 1010-AA52, OCS Order No. 9, Pipelines; 1010-AA98, 30 CFR 250.44, Borehole Abandonment.

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 648-7816**

RIN: 1010-AA53

1245. SUPPLEMENTAL SALES

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.12; 30 CFR 256.26

Legal Deadline: None.

Abstract: The rules at 30 CFR Part 256 will be revised to provide for supplemental sales and to establish limits on those supplemental sales. This rule is intended to allow the offering of rejected bid blocks, drainage blocks,

and development blocks. The alternative is to operate under the current regulation and delay the leasing of certain blocks which may be critical to the development of an area or may be susceptible to loss of hydrocarbons.

Timetable:

Action	Date	FR Cite
NPRM	03/26/87	52 FR 9672
NPRM Comment Period End	04/27/87	
Comment Period Reopened	08/06/87	52 FR 29222
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7817**

RIN: 1010-AB05

1246. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: 30 CFR 271

Legal Deadline: None.

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17770
NPRM Comment Period End	06/11/87	
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7817**

RIN: 1010-AA87

1247. PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 280

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern exploration on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a permitting document rather than in regulations. Promulgation of regulations is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The rules will require that hard mineral operations will be conducted in a manner which will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/84	49 FR 47871
ANPRM Comment Period End	04/08/85	
NPRM	03/26/87	52 FR 9758
NPRM Comment Period End	06/24/87	
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7820**

RIN: 1010-AA71

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

1248. ADMINISTRATION OF 20 PERCENT SET ASIDE

Significance: Regulatory Program

Legal Authority: 43 USC 1331 et seq

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: A review is under way to evaluate the implementation of section 8(b)(7) of the Outer Continental Shelf Lands Act. The alternative is to provide oversight under a more structured program, possibly involving new regulations. The potential benefits and costs of this action have not been determined.

Timetable:

Action	Date	FR Cite
Withdrawn Current regulations are adequate	07/09/87	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7817

RIN: 1010-AA73

1249. ASSESSMENTS FOR INCORRECT OR LATE REPORTS AND FAILURE TO REPORT

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 216.40; 30 CFR 218.40

Legal Deadline: None.

Abstract: Current assessments, in some instances, are out of line with costs and

the nature of the error. This burden on industry must be relieved as soon as possible. The assessment regulations in 30 CFR 216.40 and 218.40 reserve to the Minerals Management Service (MMS) the discretion whether or not to assess a reporter. However, the existing regulations do not give MMS any flexibility in determining the amount of assessment per line--it must be $10. After experience in making such assessments, MMS has determined that it must be able to vary the amount of the assessments. Therefore, MMS is amending the regulations that relate to the Auditing and Financial System (AFS) reporting in 30 CFR 218.40 and the regulations that relate to the Production Accounting and Auditing System (PAAS) reporting in 30 CFR 216.40 to provide that the assessment will be an amount "up to $10" for each report as defined in the respective regulations.

Timetable:

Action	Date	FR Cite
Final Action	07/22/87	52 FR 27545
Final Action Effective	08/21/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AB08

1250. PROVIDING INFORMATION CLAIMING REWARDS UNDER THE FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Legal Authority: 30 USC 1701; 30 USC 1723

CFR Citation: 30 CFR 218

Legal Deadline: None.

Abstract: Regulation for providing information and claiming rewards is needed to implement section 113 of the Federal Oil and Gas Royalty Management Act of 1982. No procedures are established on rewards. Rules would be developed to provide a process whereby persons having information on royalty or other payments owed to the United States could provide information and claim rewards. Alternatives considered are no action, issue a policy statement and no rule, or perform an extensive study. Very few information submissions and claims for rewards are expected as there is minimal interest to date. Therefore, costs are expected to be insignificant. Benefits would be assurance that the requirements of section 113 are being implemented and informants can provide information on amounts owed to the United States. Additional revenue is expected to be recovered.

Timetable:

Action	Date	FR Cite
NPRM	01/14/87	52 FR 1471
NPRM Comment Period End	03/16/87	
Final Action	07/01/87	52 FR 24450
Final Action Effective	07/31/87	

Small Entity: No

Agency Contact: Dennis W. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, **303 231-3432**

RIN: 1010-AB02

1251. THRESHOLD REQUIREMENT FOR PAYMENTS BY ELECTRONIC FUNDS TRANSFER

Legal Authority: 43 USC 1221 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) is proposing to amend 30 CFR 218 to change the threshold from $50,000 to $10,000 for royalty, bonus, and rental payments required to be made by Electronic Fund Transfer (EFT). This action would accelerate the collection and deposit cycle for MMS since payments under $50,000 are now made in the form of checks. The increased use of EFT would result in interest savings to the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/08/87	52 FR 687
NPRM Comment Period End	03/09/87	
Final Action	06/25/87	52 FR 23812
Final Action Effective	07/27/87	

Small Entity: No

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, **303 231-3432**

RIN: 1010-AB03

1252. DATA AND INFORMATION TO BE MADE AVAILABLE TO THE PUBLIC

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.3

Legal Deadline: None.

Abstract: The Minerals Management Service proposes to revise the timeframes for protection of proprietary geological data and information collected on a lease in the Outer Continental Shelf. This revision will provide additional assurance that the party that incurred the cost to produce the geological data and information will have a reasonable opportunity for exclusive use of it during at least one subsequent lease sale. The rule would apply to leases that are within the primary term.

Timetable:

Action	Date	FR Cite
Final Action	04/22/87	52 FR 13235
Final Action Effective	05/22/87	

Small Entity: No

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7820**

RIN: 1010-AB07

1253. ACCIDENTS, FIRES, AND MALFUNCTIONS FACT-FINDINGS PROCEEDINGS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.45(c), (new)

Legal Deadline: None.

Abstract: Proposes to establish procedures to obtain testimony from witnesses or persons who have knowledge of serious accidents, fires, blowouts, or spills that occurred during oil and gas and sulphur operations in the Outer Continental Shelf. The testimony would help accident investigation panels to determine the cause or probable cause of an accident under investigation. The procedures would facilitate meetings of

investigatory panels and would reduce legal challenges to future Minerals Management Service fact-finding investigations. The alternative would be not to have procedures. The proposed rule is procedural in nature; therefore, it does not imply cost.

Timetable:

Action	Date	FR Cite
NPRM	04/24/86	51 FR 15502
NPRM Comment Period End	05/27/86	
Final Action	06/11/87	52 FR 22305
Final Action Effective	07/13/87	

Small Entity: No

Agency Contact: William Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7818

RIN: 1010-AA88

1254. REPORT OF CESSATION OF PRODUCTION

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.93

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) proposes to add the requirement for a report of cessation of production for leases in their extended term which have ceased production. This proposed regulation addresses a situation created by the elimination of the Monthly Report of Operations. Without the Monthly Report of Operations, MMS does not have timely information concerning the status of a lease. The alternative is to continue collecting the Monthly Report of Operations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37200
NPRM Comment Period End	11/19/86	
Final Action	06/25/87	52 FR 23815
Final Action Effective	07/27/87	

Small Entity: No

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7815

RIN: 1010-AB04

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-MR-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1255. TERMINATION OF JURISDICTION UNDER SMCRA

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.11

Legal Deadline: None.

Abstract: The Surface Mining Control and Reclamation Act (SMCRA) does not specifically define the cutoff point at which a person's reclamation obligations are absolved, therefore a rule is needed to specify when liability is terminated. The significant and sensitive nature of this issue warrants rulemaking to resolve the issue of when a person's liability under SMCRA ends. The regulations in question are specific to the responsibilities of the Depart. of the Interior, OSMRE, and they implement SMCRA. No other Federal agency is authorized to undertake this action on behalf of the Department. OSMRE has never addressed this issue in a rulemaking. The regulatory authority will issue a written determination ending liability under the Act where the following conditions apply. For permanent program operations it proposes to terminate an operator's liability under the Act at the time of final bond release where all applicable regulatory program requirements have been met. For initial program operations, liability will end where all requirements of the Act and regulations have been met.

Timetable:

Action	Date	FR Cite
NPRM	06/26/87	52 FR 24092
NPRM Comment Period End	09/04/87	52 FR 24092
Final Action	02/00/88	

Small Entity: No

Agency Contact: Daniel Stocker, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5385

RIN: 1029-AB07

1256. ● SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11

Legal Deadline: None.

Abstract: Section 528(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." On May 7, 1987, the President signed Pub. L. 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700.

Timetable:

Action	Date	FR Cite
Notice of Suspension: Two-Acre Exemption Repeal	06/04/87	52 FR 21228
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5351

RIN: 1029-AB16

1257. SURFACE COAL MINING OPERATIONS; DEFINITION OF IN CONNECTION WITH

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.5

Legal Deadline: None.

Abstract: The rule will codify the definition of the phrase "in connection with" as used in the definition of surface coal mining operations at 30 CFR 700.5. The definition of "in connection with" will clarify which activities are associated with surface coal mining operations and therefore subject to the requirements of the Surface Mining Control and Reclamation Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Raymond E. Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-1514**

RIN: 1029-AB08

1258. PERMANENT REGULATORY PROGRAM REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Legal Deadline: None.

Abstract: This proposed rule would respond to a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities were not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with Congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVFs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-1507**

RIN: 1029-AA54

1259. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES ROADS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151

Legal Deadline: None.

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-1502**

RIN: 1029-AA60

1260. PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None.

Abstract: The proposed rule will amend the definition of the term support facilities as a result of the District Court for the District of Columbia's opinion of July 6, 1984. The proposed regulation would bring additional support facilities under the Permanent Program Regulations of the Surface Mining Control and Reclamation Act and amend the definition of support facility to connote a functional relationship with a regulated facility. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Raymond Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-1514**

RIN: 1029-AA94

1261. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO GOVERNMENT FINANCED CONSTRUCTION

Legal Authority: 30 USC 1202; 30 USC 1211; 30 USC 1278

CFR Citation: 30 CFR 707; 30 CFR 874

Legal Deadline: None.

Abstract: The current limiting language in 30 CFR Part 707 can have at least three adverse results for the Abandoned Mine Lands (AML) Program. The inability to remove incidental amounts of coal encountered during reclamation activities can result in: 1) the loss of a valuable energy resource, 2) a no-cost subsidy of a future mining operation, and 3) a windfall profit to the mineral owner. In addition, the Federal and State governments are unable to reduce the costs of their AML projects. Participation in the incidental recovery of coal and resulting reduction in reclamation costs would allow the Federal and State AML programs to accomplish more reclamation at a substantial saving. To correct these deficiencies and to allow greater flexibility for the AML Program to remove incidental amounts of coal encountered during AML-financed reclamation activities, the clarification and expansion of Parts 707 and 874 is being proposed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: James Fary, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-3375

RIN: 1029-AA58

1262. REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 772.11; 30 CFR 772.12

Legal Deadline: None.

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4553

RIN: 1029-AA92

1263. ● FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 746; 30 CFR 750; 30 CFR 772

Legal Deadline: None.

Abstract: The proposed rule would govern the collection by OSMRE of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for processing mining plans and for midterm review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSMRE for costs incurred in providing the services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5351

RIN: 1029-AB15

1264. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 740; 30 CFR 745; 30 CFR 746

Legal Deadline: None.

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans," the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
NPRM Comment Period End	08/00/88	
Final Action	02/00/89	

Small Entity: Undetermined

Agency Contact: Leonard Richeson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5150

RIN: 1029-AA76

1265. SURFACE COAL MINING AND RECLAMATION OPERATIONS ON INDIAN LANDS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 750

Legal Deadline: None.

Abstract: The proposed rule would implement Court approved settlements involving OSMRE, the State of New Mexico, and the National Coal Association/American Mining Congress Joint Committee in regard to final Indian lands regulations. The rule would delete the reference to the American Indian Religious Freedom Act and revise the requirements addressing inclusion of surface coal mining and reclamation provisions in Indian leases.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4540

RIN: 1029-AB04

1266. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Legal Deadline: None.

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court Decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
Notice of EIS and RIA Scoping Meeting, Request for Comments	01/22/87	52 FR 2421
Scoping Hearings for NEPA and RIA	02/06/87	
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	

Small Entity: Yes

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-7951**

RIN: 1029-AA77

1267. LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(a); 30 CFR 761.11(c); 30 CFR 769.14(a)(3); 30 CFR 769.14(b)(2)

Legal Deadline: None.

Abstract: OSMRE is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: No

Agency Contact: Jerry Schwartz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5144**

RIN: 1029-AA90

1268. SUBSTANTIAL LEGAL AND FINANCIAL COMMITMENT

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Legal Deadline: None.

Abstract: The proposed rule would amend the definition of the phrase "substantial legal and financial commitments" as required by a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations. The definition will clarify what is needed for a determination of a "substantial legal and financial commitment" in a surface coal mining operation. Such a determination would exempt land from a designation as unsuitable for surface coal mining operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: James M. Kress, Federal Land Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5145**

RIN: 1029-AB01

1269. ● PERMIT PROCESSING

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773.11

Legal Deadline: None.

Abstract: The proposed rule would require operators of surface coal mining operations who operated during the initial regulatory program without a permit to cease mining until they secure a permanent program permit. Only operators who held initial program permits may continue to operate after the Secretary has approved a State regulatory program, if they have submitted an application for a permanent program permit. The proposed rule responds to a remand of previously proposed regulation, in which the U.S. District Court concluded that the rule was inconsistent with the statute.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-4561**

RIN: 1029-AB14

1270. PERMANENT REGULATORY PROGRAM; REQUIREMENTS FOR PERMITS, INFORMATION ON HYDROLOGIC IMPACTS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 780.21(f); 30 CFR 784.14(e)

Legal Deadline: None.

Abstract: The rule sets a life of permit as the parameter for the determination of the probable hydrologic consequences (PHC) of the proposed operation upon the quality and quantity of surface and groundwater under seasonal flow conditions for the proposed permit and adjacent areas. The rule re-promulgates the suspended 1983 rules with an expanded preamble and record to support the rule language. This was requested by the Court as a result of litigation. The rule will result in lower costs to industry and a reduction in their information collection requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-1507**

RIN: 1029-AB11

1271. PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784

Legal Deadline: None.

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e)(4) a· d (5)

of the Surface Mining Control and Reclamation Act to the surface impacts of underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in sections 522(e)(4) and (5) of the Act. The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
ANPRM Comment Period End	08/27/85	50 FR 13250
Notice of EIS and RIA Scoping Meeting and Request for Comments	01/22/87	52 FR 2421
EIS and RIA Scoping Meeting	02/06/87	
NPRM	09/00/87	
Hearing on Draft EIS	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	
Final Action Effective	03/00/88	

Small Entity: Yes

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EIS to meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of E.O. 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are anticipated to be significant in terms of E.O. 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small Entity Flexibility Analysis are being prepared.

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1928

RIN: 1029-AA80

1272. REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING; EXPERIMENTAL PRACTICES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 785.13

Legal Deadline: None.

Abstract: The proposed rule would revise the permit application requirements applicable to experimental practices as provided by section 711 of SMCRA. Section 711 allows for departures from the environmental protection performance standards of section 515 and 516 of the Act. The rule would be revised to encourage advances in mining and reclamation practices and special alternative postmining land uses. No additional costs to the environment would occur because experimental practices cannot be authorized if they are not as environmentally protective as the requirements of section 515 and 516. The rule revision may provide coal mine operators the ability to utilize more cost efficient mining and reclamation practices. OSMRE is discussing experimental practice issues with external groups. The scope of future rulemaking action will be developed following these discussions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: John Parsons, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1505

RIN: 1029-AB06

1273. PERMANENT PROGRAM PERFORMANCE STANDARDS; DISPOSAL OF COAL MINE WASTE

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None.

Abstract: The rule will reexamine performance standards and design criteria for coal waste disposal. The action is in response to a District Court for the District of Columbia remand order which cited procedural defects in an earlier rulemaking (47 FR 44006, September 26, 1983), involving inadequate notice and comment and an inadequate administrative record.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Dr. C. Y. Chen, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1501

RIN: 1029-AB09

1274. PERMANENT PROGRAM PERFORMANCE STANDARDS; SURFACE MINING ACTIVITIES; CONTEMPORANEOUS RECLAMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.100; 30 CFR 816.101

Legal Deadline: None.

Abstract: The rule is being proposed in response to a remand by the Court to provide additional guidance to the regulatory authorities. The proposed rule should ensure that all reclamation efforts proceed as contemporaneously as practicable with surface coal mining operations in accordance with Section 515(b)(16) of the Surface Mining Control and Reclamation Act of 1977.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AB02

1275. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.102(g)(2); 30 CFR 816.104; 30 CFR 816.105

Legal Deadline: None.

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	12/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA57

1276. PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.102

Legal Deadline: None.

Abstract: The proposed regulation is in accordance with a Court approved settlement agreement and would provide a method of calculating civil penalties when compliance with Section 30 CFR 816.102(a) cannot be accomplished using Best Technology Currently Available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k). The regulation will require an undetermined information collection requirement on the regulatory authority, the cost of which has not been calculated.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Ralph McDonald, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029-AB10

1277. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES – REVEGETATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.116(b)(3)(ii); 30 CFR 816.116(c)(4); 30 CFR 817.116(b)(3)(ii); 30 CFR 817.116(c)(4); 30 CFR 816.116(c)(2); 30 CFR 817.116(c)(2)

Legal Deadline: None.

Abstract: This rule is being proposed in response to an order of the U.S. District Court remanding several aspects of OSM regulations concerning revegetation which has inadequate support in the administrative record. OSM will propose rules concerning replanting of trees as a normal husbandry practice, the period for revegetation success, and rills and gullies control as a normal conservation practice. Costs and benefits of this action have not been determined since the final scope of the rule is not certain. This analysis will be based in large part on public comments received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Arlo Dalrymple, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5245

RIN: 1029-AA86

1278. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES - IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.49; 30 CFR 817.49

Legal Deadline: None.

Abstract: The regulation will address the issue addressed in a district court challenge to OSM regulations. The rule will address the problem of combination spillways and will specify a spillway configuration that must be installed to safely pass the designed precipitation event. In some cases, the rule may allow one spillway to serve as a combination principal and emergency spillway. The proposed action may reduce costs in those cases where one spillway will safely pass the design precipitation event with no corresponding decrease in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA79

1279. ● DISPOSAL OF EXCESS SPOIL ON PREEXISTING BENCHES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.74; 30 CFR 817.74

Legal Deadline: None.

Abstract: The regulations at 30 CFR 816.74/817.74 allow, with the approval of the regulatory authority, the disposal of excess spoil through placement on preexisting benches provided that the standards set forth in sections 816.71/817.71 are met. These standards contain the general requirements for the disposal of excess spoil. Based on the draft study entitled "Encouraging Abandoned Mine Land Reclamation via Remining: A Federal, State and Industry Initiative" and comments received, OSMRE has reviewed these regulations. Based on this review, OSMRE has concluded that excess spoil, when placed on the benches is similar to backfilling and grading of a highwall and bench and therefore could be

regulated under the backfilling and grading regulations in section 816.102/817.102, in lieu of the "excess spoil" standards while maintaining the same environmental and safety standards. The proposed rule would apply the backfilling and grading requirements to disposal of excess spoil on preexisting benches.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029-AB18

1280. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

Significance: Regulatory Program

Legal Authority: 30 USC 1267

CFR Citation: 30 CFR 840; 30 CFR 842; 30 CFR 843

Legal Deadline: None.

Abstract: The proposed rule would define an "abandoned site" and address the inspection frequency for those sites. The rule would enable regulatory authorities to allocate inspector resources to ongoing operations where they are most needed by reducing the inspection frequency for abandoned sites as necessary to monitor conditions or changes of status without sacrificing environmental quality control.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Daniel E. Stocker, Chief, Section of Inspection, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5384

RIN: 1029-AA67

1281. ● TEN DAY NOTICE REVIEW CRITERIA

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 842.11; 30 CFR 843.12

Legal Deadline: None.

Abstract: The proposed rule would provide guidance to OSMRE in its evaluation of State responses to ten day notices. It would provide that OSMRE must accept a State's response as constituting appropriate action to cause a violation to be corrected or showing good cause for such failure, unless that response is arbitrary, capricious, or an abuse of discretion under the State program. The rule would also provide a mechanism whereby a State could seek informal review within OSMRE of an initial decision to inspect a mine site when OSMRE rejects the State's response to the ten day notice. The rulemaking is being proposed in response to a decision on a petition for rulemaking submitted to the Director, OSMRE.

Timetable:

Action	Date	FR Cite
Notice of Decision on Petition for Rulemaking	06/08/87	52 FR 21598
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Daniel Stocker, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5185

RIN: 1029-AB12

1282. ● ABANDONED MINE LAND RECLAMATION; STATE RECLAMATION GRANTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 886

Legal Deadline: None.

Abstract: Cases have been identified where coal mine operators have also contracted with a State to conduct reclamation of abandoned mine land. This reclamation is conducted under the Abandoned Mine Land (AML) Reclamation Program and is funded by fees paid by coal operators on productions. Under the proposed rule, a reclamation contract could not be let to an operator with certain outstanding violations of the Surface Mining Control and Reclamation Act. The violations would include outstanding cessation orders and unpaid civil penalties and abandoned mine reclamation fees. The rule action is being initiated to prevent operators in violation of SMCRA from benefiting from the Act by receiving contracts funded under the AML program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Danny Lytton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 653-2929

RIN: 1029-AB13

1283. CALIFORNIA FEDERAL PROGRAM

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 905

Legal Deadline: None.

Abstract: The proposed rule would establish a Federal program for the State of California. Under the Federal program, surface coal mining and reclamation operations in California will be subject to the OSMRE's permanent program requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Pat Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4561

RIN: 1029-AB05

DOI—OSMRE

Proposed Rule Stage

1284. ● TENNESSEE PROGRAM AMENDMENT; SIGNIFICANT PERMIT REVISIONS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 942.774

Legal Deadline: None.

Abstract: The rule applies to the Federal program for Tennessee and would establish guidelines for determining whether a proposed revision to an existing coal mining permit is significant. Significant permit revisions are subject to public comment and hearing requirements. The rule would assist OSMRE in making consistent determinations concerning the significance of permit revisions in Tennessee. The rule is being proposed in response to a decision on a petition for rulemaking, submitted to the Director, OSMRE.

Timetable:

Action	Date	FR Cite
Notice of Decision on Petition for Rulemaking	03/05/87	52 FR 6827
NPRM	10/00/87	

Small Entity: No

Agency Contact: James Tate, Jr., Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, **202 343-4560**

RIN: 1029-AB17

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Final Rule Stage

1285. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 702

Legal Deadline: None.

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been identified. Proposed regulations would establish procedures to administer the exemption. The costs of compliance for these operations are undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20546
NPRM Comment Period End	08/10/87	52 FR 20546
Final Action	01/00/88	

Small Entity: No

Agency Contact: James Fary, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-3375**

RIN: 1029-AA53

1286. INDIVIDUAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 723; 30 CFR 724; 30 CFR 845; 30 CFR 846, (New)

Legal Deadline: None.

Abstract: The proposed rule will improve the implementation of Section 518(f) of the Surface Mining Control and Reclamation Act by clarifying the meaning of "knowing and willful" and defining the manner in which a daily penalty will be assessed for a continuing violation. Corporate officials associated with a permittee in violation of the Act will be identified and assessed individual civil penalties in addition to any penalties imposed on the Corporate entity.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46838
NPRM Comment Period End	03/04/87	51 FR 46838
Final Action	11/00/87	

Small Entity: No

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Washington, DC 20240, **202 343-5241**

RIN: 1029-AA81

1287. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAM; FEDERAL PROGRAM FOR A STATE; PROCEDURAL REQUIREMENTS

Legal Authority: 30 USC 1251; 30 USC 1253 to 1269; 30 USC 1271; 30 USC 1272; 30 USC 1295

CFR Citation: 30 CFR 736

Legal Deadline: None.

Abstract: OSMRE will propose revisions to its rules governing standards and procedures for the promulgation, implementation, revision, and termination of a Federal program for a State for coal exploration and surface coal mining operations on non-Federal and non-Indian lands within that State.

Timetable:

Action	Date	FR Cite
NPRM	05/31/87	52 FR 10352
NPRM Comment Period End	06/01/87	52 FR 10352
Final Action	12/00/87	

Small Entity: No

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 134S, **202 343-5241**

RIN: 1029-AA71

1288. UNSUITABILITY PETITION PROCESS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 764; 30 CFR 769

Legal Deadline: None.

Abstract: The proposed rule would amend the State and Federal process for designating land unsuitable for surface coal mining operations. The revision would standardize the State and Federal procedures and establish new time frames for processing petitions. The revisions are required by a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21904
NPRM Comment Period End	08/18/87	52 FR 21904
Final Action	04/00/88	

Small Entity: No

Agency Contact: Catie Roy, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5143**

RIN: 1029-AB00

1289. SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM-OWNERSHIP AND CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Legal Deadline: None.

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13724
NPRM Comment Period End	06/28/85	
NPRM Comment Period Reopened	04/16/86	51 FR 12879
Reopen NPRM Comment Period Extended	06/25/86	51 FR 23085
Reopen NPRM Comment Period End	08/11/86	51 FR 23085
Reopen NPRM Comment Period Extended	06/03/87	52 FR 16275
Final Action	10/00/87	

Small Entity: No

Agency Contact: Andrew F. DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5241**

RIN: 1029-AA56

1290. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773, (Revision); 30 CFR 843

Legal Deadline: None.

Abstract: The existing rules pertaining to the requirements for permit and permit processing, permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	07/16/86	51 FR 25822
NPRM Comment Period End	10/24/86	51 FR 25822
Final Action	10/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5241**

RIN: 1029-AA66

1291. PERMANENT REGULATORY PROGRAM - OWNERSHIP INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 778

Legal Deadline: None.

Abstract: The Office of Surface Mining Reclamation and Enforcement is proposing to revise 30 CFR 778 which specifies what information must be furnished in a surface coal mining permit application. The permit application requirements are being revised in order to conform them to proposed revisions in 30 CFR 773 which govern the issuance of surface coal mining permits. The proposed revisions to 30 CFR 778 will require the submission of more detailed information on the ownership and control of permit applicants. It is not anticipated that the revision will impose a substantial financial burden on those applying for permits.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 20032
NPRM Comment Period End	08/06/87	52 FR 20032
Final Action	02/00/88	

Small Entity: No

Agency Contact: Andrew DeVito, Senior Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5241**

RIN: 1029-AA96

1292. SURFACE MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 779.20; 30 CFR 780.16; 30 CFR 783.20; 30 CFR 784.21; 30 CFR 816.97(a); 30 CFR 816.97(b); 30 CFR 817.97

Legal Deadline: None.

DOI—OSMRE

Final Rule Stage

Abstract: OSM is amending Fish and Wildlife performance standards at 30 CFR 816.97 to comply with the District Court's decision of October 1, 1984, which pertains to protection of endangered and threatened species and the exclusion of wildlife from toxic ponds. In addition, OSM is amending the Fish and Wildlife permitting requirements at 30 CFR 779.20 and 780.16 to provide greater flexibility and clarity.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19498
NPRM Comment Period End	08/07/86	51 FR 19498
Final Action	09/00/87	

Small Entity: No

Agency Contact: Chuck Wolf, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Ten Parkway Center, Pittsburgh, PA 15220, **412 937-2897**

RIN: 1029-AA74

1293. PERMANENT REGULATORY PROGRAM - MOUNTAINTOP REMOVAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 785

Legal Deadline: None.

Abstract: The proposed rule amends the rules for "Permits for Special Categories of Mining -- Mountaintop Removal Mining." This action will correct an inadvertent error whereby certain substantive provisions concerning mountaintop removal mining in the Surface Mining Control and Reclamation Act of 1977 (the Act) were not included in previous implementing regulations. These provisions include a finding for permit issuance that the applicant has presented specific plans for the proposed postmining land use and has made appropriate assurances for the use. The addition of these provisions will make the rules for mountaintop removal mining consistent with the Act, as well as with the Secretary's brief In Re: Permanent Surface Mining Regulation Litigation II, (round III). The requirements of the proposed rule will ensure that all the substantive provisions of the Act are applied to mountaintop removal coal mining operations.

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	52 FR 9640
NPRM Comment Period End	06/03/87	52 FR 9640
Final Action	11/00/87	

Small Entity: No

Agency Contact: Ralph McDonald, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5245**

RIN: 1029-AA97

1294. REQUIREMENT TO RELEASE PERFORMANCE BONDS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800-40(a)(2)

Legal Deadline: None.

Abstract: This proposed rule would require that an applicant for bond release include the name of the permittee in the application. This action is being taken as a result of a commitment made during litigation on bonding requirements before the District Court for the District of Columbia where it was found that an explicit requirement for providing the name of the applicant was necessary. Also the proposed revision would allow certain third parties to guarantee self-bond. This action is being taken as a result of OSMRE on June 13, 1986 accepting a proposal to revise self-bonding regulations sought in a petition for rulemaking by the National Coal Association/American Mining Congress (NCA/AMC) Joint Committee on Surface Mine Regulations. There will be no increase or decrease in the cost/benefits of this rule.

Timetable:

Action	Date	FR Cite
NPRM	11/26/86	51 FR 42984
NPRM Comment Period End	02/04/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Frank Mancino, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5143**

RIN: 1029-AA91

1295. PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES - HYDROLOGIC BALANCE PROTECTION

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.41(b)(2)

Legal Deadline: None.

Abstract: The rulemaking is in response to a challenge of this issue in District Court where the Office agreed to suspend 30 CFR 817.41(b)(2), concerning requirement to restore groundwater recharge capacity, and repromulgate the rule to develop the administrative records. OSM will propose two options: (1) removing 817.41(b)(2) and (2) retaining this paragraph while asking for comments concerning its legality, technological validity, and environmental impacts. Since this rule will be repromulgated with options, a determination of its potential costs and benefits cannot be assessed until comments are received and options chosen.

Timetable:

Action	Date	FR Cite
NPRM	12/11/86	51 FR 44742
NPRM Comment Period End	02/19/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5010 L, 1951 Constitution Ave., NW, Washington, DC, **202 343-1514**

RIN: 1029-AA75

1296. SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 823.11(a); 30 CFR 823.11(b)

Legal Deadline: None.

DOI—OSMRE

Final Rule Stage

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by Court Order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	52 FR 9644
NPRM Comment Period End	06/03/87	52 FR 9644
Final Action	11/00/87	

Small Entity: No

Agency Contact: Donald Smith, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1510

RIN: 1029-AA64

1297. COLLECTION OF AML FEES - MOISTURE CONTENT OF COAL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870

Legal Deadline: None.

Abstract: The present regulations require the weight of coal (for the purpose of calculating the tonnage upon which the AML fee is calculated) to be determined at the point of first sale. This weight includes not only that of the saleable coal, but also that of the extraneous material including the moisture content. Recent action by the Internal Revenue Service (IRS) issued a revenue-ruling for the Black Lung Tax to allow for the deduction of a moisture content allowance from the tonnage upon which the Black Lung Tax is collected. The IRS decision to make this change in its regulations was based on a Federal court decision. Taft Coal Co. v. U.S., 605 F. Supp. 366, (N.D. Ala. 1984). OSMRE proposes to change the existing regulations to create a standard moisture allowance which would be consistent with that allowed by the IRS for the Black Lung Tax program. Regulations dealing with the basis upon which a tax or fee is assessed should be consistent for administrative convenience and equity to the coal operator. Federal action is required since OSMRE is directly responsible for collecting the AML fee and for establishing the regulations promulgating (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/18/87	52 FR 18680
NPRM Comment Period End	07/27/87	52 FR 18680
Final Action	01/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: standards under which the fee is collected. The regulations in question are specific to the responsibilities of the Department of the Interior, OSMRE, and they implement SMCRA. No other Federal agency is authorized to undertake this action on behalf of the Department. The regulation will be changed to include a moisture content allowance. Standards will be developed to establish a percentage allowance consistent with the IRS approach for the Black Lung Program and with industry technical standards for moisture content calculation.

Agency Contact: Jane Robinson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-2853

RIN: 1029-AB03

1298. STATE-FEDERAL COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq.

CFR Citation: 30 CFR Subchapter T

Legal Deadline: None.

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Timetable:

Illinois (913)
NPRM 03/24/87 (52 FR 9402)
Final Action 09/00/87

Utah (944)
NPRM 03/31/82 (47 FR 13738)
Final Action 03/13/87 (52 FR 7843)

Virginia (946)
NPRM 06/27/83 (48 FR 29545)
Final Action 04/07/87 (52 FR 11044)

Small Entity: No

Agency Contact: Art Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5351

RIN: 1029-AA40

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

1299. PERMANENT REGULATORY PROGRAM DEFINITION OF COAL PREPARATION PLANTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700; 30 CFR 701.5; 30 CFR 785; 30 CFR 827

Legal Deadline: None.

Abstract: The proposed rule will revise the 1983 definition of "coal preparation or coal processing" which was formulated on the basis of OSMRE's previous interpretation of Section 701(28)(A) of the Act. In accordance with the District Court of the District of Columbia decision, OSMRE would adopt a new definition which would include chemical or physical processing or cleaning, concentrating or other processing or preparation of coal. Facilities not involving separation of coal from its impurities would be included within this definition. The definition of coal preparation plant will be revised to track the new definition of "coal preparation." Also the definition of support facilities will be removed from this rule and proposed separately. The proposed rule for coal preparation plants would bring on a large number of additional facilities under the jurisdiction of SMCRA

therefore adding to environmental protection and could impose added costs to industry.

Timetable:

Action	Date	FR Cite
NPRM	07/10/85	50 FR 28180
Interim Final Rule	07/10/85	50 FR 28186
NPRM Comment Period End	11/24/85	
Final Action	05/11/87	52 FR 17724
Final Action Effective	06/10/87	52 FR 17724

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1514

RIN: 1029-AA73

1300. PERMANENT REGULATORY PROGRAM DEFINITIONS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None.

Abstract: The proposed rulemaking is in response to a court order of the District Court for the District of Columbia which remanded the portion of OSM's definition of "affected area" relating to the description and inclusion of roads in "affected areas." The proposed regulation will address alternative definitions and descriptions of roads as part of the definition of "affected areas" and clarify the relationship of these terms to various provisions of the Surface Mining Control and Reclamation Act of 1977. OSM is unable at this time to determine precisely what additional costs would be associated with the rule. It should be minimal, however, as this rule is intended only to identify the limitations on roads to be included in surface mining operations. The definition of "affected area" was suspended insofar as it excludes roads which are included in the definition of "surface coal mining operations" (November 20, 1986; 51 FR 41952). Additional rulemaking action is suspended pending review of issues related to the two-acre exemption provision of the Act. The exemption was repealed May 7, 1987, by Public Law 100-34 (June 4, 1987; 52 FR 21228).

Timetable:

Action	Date	FR Cite
Withdrawn Action on this rule was suspended	05/11/87	

Small Entity: Undetermined

Agency Contact: Pat Boyd, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4561

RIN: 1029-AA84

1301. PERMANENT PROGRAM PERFORMANCE STANDARDS DEFINITIONS, PREVIOUSLY MINED AREAS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 773

Legal Deadline: None.

Abstract: This rulemaking action is in response to a Court Order by the U.S. District Court for the District of Columbia In re: Permanent Surface Mining Regulation Litigation II, July 15, 1985. The proposed regulation would amend the definition of previously mined area to include only those lands mined prior to May 3, 1978, or prior to January 1, 1979 for certain small operators exempted under 30 CFR 710.12, and not reclaimed to the standards of the Act. This rule may lead to a reduction of environmental benefits since there will be less incentive for remining and reclamation of mines abandoned after May 3, 1978. Otherwise, there is no significant increase or decrease in costs.

Timetable:

Action	Date	FR Cite
NPRM	07/31/86	51 FR 27508
NPRM Comment Period End	10/09/86	51 FR 27508
Final Action	05/08/87	52 FR 17526
Final Action Effective	06/08/87	52 FR 17526

Small Entity: No

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029-AA88

1302. CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR MINING OPERATIONS FRAGILE AND HISTORIC

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Legal Deadline: None.

Abstract: The objection to the definitions of the terms "fragile lands" and "historic lands" in 762.5 is their requirement that damage from proposed mining to historic and other values must be irreparable or permanent before lands can be classified as fragile or historic and therefore, eligible for consideration as being unsuitable for mining. The court order requires only a finding of significant damage, in accordance with Section 522(a)(3)(b) of the Act. In as much as the required wording "significant damage" is used in 762.11(b)(2) in the fragile-or-historic-lands criterion for designating lands as unsuitable, rather than using the wording of the two definitions, the proposed rule change would remove the degree-of-damage requirement from the definitions and thereby remove the wording objected to. The cost and benefits would remain unchanged because a finding of only significant damage and the combined term are already in place in 762.11(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	07/25/85	50 FR 30408
NPRM Comment Period End	10/03/85	
NPRM Comment Period Reopened	12/10/86	51 FR 44484
Reopen NPRM Comment Period End	02/09/87	51 FR 44484
Final Action	05/19/87	52 FR 18792
Final Action Effective	06/18/87	52 FR 18792

Small Entity: No

Agency Contact: Annetta Cheek, Archeologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1514

RIN: 1029-AA62

DOI—OSMRE

Completed Actions

1303. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Legal Deadline: None.

Abstract: This regulation is intended to clarify existing requirements concerning protection of historic properties which may be affected by surface coal mining and reclamation operations. This rule would clarify that States with regulatory programs approved by the Secretary of the Interior have authority to require specific actions to assist the Secretary of the Interior comply with section 106 of the National Historic Preservation Act. Since this is a clarification of existing requirements, no change in costs are expected. Benefits will be seen in more clarity in regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/11/86	51 FR 8466
NPRM Comment Period End	06/09/86	51 FR 8466
Final Action	02/10/87	52 FR 4244
Final Action Effective	03/12/87	52 FR 4244

Small Entity: No

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-7951**

RIN: 1029-AA87

1304. ABANDONED MINE LAND FUNDING - ELIGIBILITY OF LAND REAFFECTED BY MINING

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 874

Legal Deadline: None.

Abstract: The proposed rule would clarify what land is eligible for abandoned mine land reclamation funding. Under existing regulations, abandoned mine land reaffected after August 3, 1977, the date of enactment of Surface Mining Control and Reclamation Act, is ineligible for reclamation funding. The Office of Surface Mining Reclamation and Enforcement believes that non-eligibility for reclamation funding places an undue hardship on surrounding communities. The rule would allow expenditure of Abandoned Mine Land Reclamation Funds if such projects meet certain specific criteria in order to restore affected environments.

Timetable:

Action	Date	FR Cite
Withdrawn Action on this rule was suspended	05/14/87	

Small Entity: Undetermined

Agency Contact: James Fary, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-3375**

RIN: 1029-AA95

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-05-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Proposed Rule Stage

1305. OFF-ROAD VEHICLE USE

Legal Authority: 43 USC 391 et seq

CFR Citation: 43 CFR 420

Legal Deadline: None.

Abstract: This rule governs the use of off-road vehicles on Bureau Lands and provides for the opening of only those lands where the use of such vehicles will not adversely affect associated project features or facilities. The provisions of this rule will be expanded to cover the use of ultralight vehicles, since, by definition, these vehicles are excluded from control of the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Fred Gientke, Chief, Water O&M Branch, Department of the Interior, Bureau of Reclamation, Bldg 67, Federal Center, Denver, CO 80225, **303 776-8081**

RIN: 1006-AA06

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Final Rule Stage

1306. ACREAGE LIMITATION RULES AND REGULATIONS

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: None.

Abstract: This rule will be amended to remove reference to the term "gift" in section 426.16(a).

Timetable:

Action	Date	FR Cite
NPRM	06/27/87	52 FR 24041
NPRM Comment Period End	07/27/87	
Final Action	11/01/87	
Final Action Effective	12/01/87	

Small Entity: No

Agency Contact: James Cook, Chief, Division of Water and Land, Department of the Interior, Bureau of Reclamation, 18th & C Sts., NW, Washington, DC 20240, **202 343-5104**

RIN: 1006-AA16

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Completed Actions

1307. ACREAGE LIMITATION: REVISED PROPOSED RULES AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: Statutory, April 17, 1987

Abstract: Under the Reclamation Reform Act (RRA) of 1982, districts and individuals have the option of coming under the acreage limitation provisions of the new law or remaining subject to those of prior Reclamation law. Section 203(b) of the RRA provides that districts have 4 1/2 years from the date of enactment of the RRA to amend their existing repayment and water service contracts to come under the RRA provisions. After April 12, 1987, individuals in nonamending districts will be required to pay full cost for water supplied to leased land in excess of 160 acres.

The final rules published in December 1983 did not address implementation of section 203(b). The existing rules need to be revised in order to implement this provision, as required by law.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 43742
NPRM Comment Period End	02/05/87	
Final Action	04/13/87	52 FR 11954
Final Action Effective	05/13/87	

Small Entity: No

Agency Contact: James Cook, Chief, Division of Water and Land, Department of the Interior, Bureau of Reclamation, 18th & C Sts., NW, Washington, DC 20240, **202 343-5104**

RIN: 1006-AA15

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-09-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1308. PUBLIC LAND RECORDS

Legal Authority: 5 USC 301; 43 USC 2; 44 USC 3101; 43 USC 13; 43 USC 751; 43 USC 1201; 43 USC 2457; 43 USC 1740

CFR Citation: 43 CFR 1813

Legal Deadline: None.

Abstract: This rule will amend the existing regulations by updating them to reflect and accommodate the transition from the Manual Record System (Tract Books, Master Plats, etc.), to an Automated Records System.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Robert Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA77

1309. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None.

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB20

1310. EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2200

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: No

Agency Contact: Dave Hemstreet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB28

1311. LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None.

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Annette Jameson, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB19

1312. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB10

1313. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None.

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AB00

1314. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None.

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AA98

1315. RECREATION AND PUBLIC PURPOSES ACT LEASES

Legal Authority: 43 USC 869 et seq

CFR Citation: 43 CFR 2910; 43 CFR 2912

Legal Deadline: None.

Abstract: The rule will amend the existing regulations to implement policy changes as they relate to the granting of public lands for recreation and public purposes under the Recreation and Public Purposes Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA73

1316. EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 301 to 306; 30 USC 351 to 359; 43 USC 1701 et seq; PL 96-514; 40 Op. Atty. Gen. 41

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3130; 43 CFR 3200

Legal Deadline: None.

Abstract: This rule would amend the existing regulations as they relate to bond coverage for oil and gas and geothermal resources. As a result of comments and a study by a special Task Force, several alternatives for bonding have been identified. These alternatives will be addressed in a second proposed rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	50 FR 18614
NPRM Comment Period End	07/01/85	50 FR 18614
NPRM	11/00/87	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2190**

RIN: 1004-AB13

1317. OIL AND GAS LEASING - FEES, RENTALS AND ROYALTIES

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100

Legal Deadline: None.

Abstract: This rule would amend the existing regulations to maintain all noncompetitive lease rentals at $1 per acre per year. This change would primarily be applicable to those noncompetitive leases that are later determined to be included in a known geologic structure.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2190**

RIN: 1004-AB31

1318. ● ONSHORE OIL AND GAS ORDER NO. 8 - WELL WORKOVERS, COMPLETIONS, ABANDONMENTS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3162; 43 CFR 3164.1(b)

Legal Deadline: None.

Abstract: This Order is being issued under the Oil and Gas Operations regulations as found in 43 CFR Part 3160. The Order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AB37

DOI—BLM

Proposed Rule Stage

1319. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The Order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AA66

1320. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM Second	09/00/87	

Small Entity: No

Agency Contact: George F. Brown, Assistant Director, Fluid Leasable Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2127**

RIN: 1004-AA67

1321. ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4- MEASUREMENT OF CRUDE OIL

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None.

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order will also contain inspection standards. This is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AA96

1322. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None.

Abstract: This rule will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing delegations of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2200**

RIN: 1004-AB32

1323. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None.

Abstract: This rulemaking will revise provisions related to geothermal leasing and geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2129**

RIN: 1004-AB18

1324. SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: PL 90-554

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None.

Abstract: Existing regulations permit timber export and purchase volumes to "rachet" upward at a questionable rate, leading to substitution. The existing regulations need simplification. The rule would correct both of these concerns.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Gary Ryan, Department of the Interior, Bureau of

Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004-AB34

1325. ● MANAGEMENT OF EXISTING LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 521 to 531; 30 USC 1201 et seq

CFR Citation: 43 CFR 3450

Legal Deadline: None.

Abstract: This rule would eliminate the right of a lessee to object to readjusted lease terms and conditions that are mandated by law or required by regulation, and also would make the readjusted royalty and rental rates effective as of the date of the lease readjustment, regardless of whether there is a subsequent appeal of the readjusted terms and conditions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Harry W. Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AB38

1326. ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF NATURAL GAS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement of the volumes of natural gas produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. The order also will contain inspection standards. This order is to be referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB22

1327. OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3570

Legal Deadline: None.

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AA68

1328. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None.

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Proposed Rulemaking	12/27/82	47 FR 57521
NPRM	01/00/88	

Small Entity: Undetermined

Agency Contact: Eugene Carlet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004-AB04

1329. ● MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 3809; 43 CFR Subpart 3833

Legal Deadline: None.

Abstract: The rule would make amendments to the regulatory provisions dealing with the recordation of mining claims and surface management of mining claims to incorporate changes recommended by Task Forces that studied these areas.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Eugene Carlet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004-AB36

1330. ● SALES OF FOREST PRODUCTS; CONDUCT OF SALES

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to specify the conditions under which the provisions of this subpart are applicable to contracts that are not completed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Gary Ryan, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004-AB39

1331. ● SALES OF FOREST PRODUCTS; AWARD OF CONTRACT

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400; 43 CFR 5450

Legal Deadline: None.

Abstract: This rule will amend the existing regulations as they relate to timber sale contract performance bonds to discourage bidding at such a rate that the bidder, if awarded the contract, would be unable to perform under the terms of the contract.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Gary Ryan, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-8864**

RIN: 1004-AB40

1332. ● CONDUCT OF SALES (TIMBER)

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5440

Legal Deadline: None.

Abstract: This rule would amend the existing regulations to define more precisely when someone may be disbarred from participating in a timber sale and would provide notice and opportunity for a hearing to those who are subject to debarment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Gary Ryan, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-8864**

RIN: 1004-AB35

1333. PROTECTION OF SPECIAL STATUS PLANTS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 6850

Legal Deadline: None.

Abstract: This rule will provide the procedure for protecting rare plants located on the public lands. The uncontrolled collection of these rare plants will endanger their existence.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: William H. Radtkey, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9202**

RIN: 1004-AB09

1334. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None.

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-9353**

RIN: 1004-AA69

1335. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None.

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM - Second	11/00/87	

Small Entity: No

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-3207**

RIN: 1004-AA27

1336. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None.

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Undetermined

Agency Contact: Rodger Schmitt, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-9353**

RIN: 1004-AA35

1337. OFF-ROAD VEHICLES

Legal Authority: 43 USC 1201; 43 USC 315a; 16 USC 1531 et seq; 16 USC 1281c; 16 USC 670 et seq; 16 USC 4601 to 6a; 16 USC 1241 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 8340

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to clarify some of the definitions to remove confusion that has arisen since the implementation of the existing regulations and to improve the public notification process provided by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/87	52 FR 27017
NPRM Comment Period End	09/15/87	52 FR 27017

Small Entity: Undetermined

Agency Contact: Richard E. Traylor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW,

DOI—BLM **Proposed Rule Stage**

Room 2661, Main Interior Bldg., Washington, DC 20240, **202 343-9353**

RIN: 1004-AB26

1338. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: **Bernard W. Hostrop,** Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-8798**

RIN: 1004-AB07

1339. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None.

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: Undetermined

Agency Contact: **Walter I. Johnson, Jr.,** Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 653-8815**

RIN: 1004-AA38

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Final Rule Stage

1340. GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 1820; 43 CFR 3040; 43 CFR Group 3100; 43 CFR Group 3200

Legal Deadline: None.

Abstract: This rulemaking will make corrections and modifications to the existing regulations, including procedural changes that have resulted from operations under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/12/87	52 FR 22592
NPRM Comment Period End	08/11/87	52 FR 22592
Final Action	03/00/88	

Small Entity: No

Agency Contact: **Mona Schermerhorn,** Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2228**

RIN: 1004-AA97

1341. ALASKA STATE SELECTION

Legal Authority: 94 Stat. 2437

CFR Citation: 43 CFR Subpart 2627

Legal Deadline: None.

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 48400
Final Action	10/00/87	

Small Entity: No

Agency Contact: **Robert Faithful,** Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-6511**

RIN: 1004-AA12

1342. LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740; 43 USC 1733; 43 USC 1734

CFR Citation: 43 CFR 2920; 43 CFR 9260

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to provide penalties for unauthorized use of public lands.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28024
NPRM Comment Period End	08/26/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: **Annette Jameson,** Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB29

1343. ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the uniform national minimum standards of performance which are expected for drilling operations on Federal and Indian (except Osage) lands. It also will contain enforcement actions that will result from failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30310
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: **Stephen Spector,** Department of the Interior, Bureau of

DOI—BLM

Final Rule Stage

Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB21

1344. ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 1701 et seq.; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3161.3; 43 CFR 3162.7-1; 43 CFR 3162.7-4

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order supplements the minimum standards found in the regulations at 43 CFR 3162.7-4(b), (c) and (d).

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30282
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB24

1345. COMPETITIVE LEASING; ENVIRONMENT

Legal Authority: 30 USC 181 et seq; 30 USC 201a; 30 USC 351 to 359; 30 USC 1201 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3420; 43 CFR 3460

Legal Deadline: None.

Abstract: This rule will modify the existing regulations as they relate to the 20 coal unsuitability criteria and their application during the Bureau of Land Management's land use planning process. The changes made by the rule are a result of the Office of Technology Assessment's study of the Federal coal programs treatment of environmental issues.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	52 FR 18404
NPRM Comment Period End	06/15/87	52 FR 18404
Final Action	10/00/87	

Small Entity: No

Agency Contact: Walter Rewinski, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 3600, Main Interior Bldg., Washington, DC 20240, 202 343-6821

RIN: 1004-AB25

1346. GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315a to 315r; 43 USC 1701 et seq; 43 USC 118(d); 43 USC 1901 et seq

CFR Citation: 43 CFR 4100

Legal Deadline: None.

Abstract: The amendment made by this rulemaking would bring the existing regulations into compliance with the decision in Natural Resources Defense Council, Inc. v. Hodel, et al., No. CIV. S-84-616 RAR (1985). It also would update the existing regulations to have them conform to recent grazing policy changes.

Timetable:

Action	Date	FR Cite
NPRM	05/20/87	52 FR 19032
NPRM Comment Period End	08/19/87	52 FR 27321
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Billy R. Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9195

RIN: 1004-AB23

1347. USE AUTHORIZATIONS; SPECIAL RECREATION PERMITS

Legal Authority: 43 USC 1201 et seq; 43 USC 1701 et seq; 43 USC 1181a; 16 USC 460 to 6a

CFR Citation: 43 CFR Subpart 8372

Legal Deadline: None.

Abstract: This rule is being revised to reflect revised, special recreation policies.

Timetable:

Action	Date	FR Cite
NPRM	09/16/85	50 FR 37555
NPRM Comment Period End	11/15/85	50 FR 37555
Final Action	02/00/88	

Small Entity: No

Agency Contact: Gary Marsh, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA36

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

1348. OPENING AND CLOSING LANDS

Legal Authority: 43 USC 1740; 43 USC 1201

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to: (1) clarify how and when specific actions close or open public lands; (2) provide the procedure under which information concerning opening and closing of public lands will be published in the Federal Register; and (3) eliminate confusion about when lands are open or closed by specifying if and when the record notation rule will apply.

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	50 FR 24124
NPRM Comment Period End	08/08/85	50 FR 24124
Final Action	04/15/87	52 FR 12171
Final Action Effective	05/15/87	52 FR 12171

Small Entity: No

Agency Contact: Claire Newcomer, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-6846

RIN: 1004-AA78

1349. RIGHTS-OF-WAY: PRINCIPLES AND PROCEDURES

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 185

CFR Citation: 43 CFR 2800

Legal Deadline: None.

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants (2803.1-1; 2883.1-1).

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 2110
NPRM	07/25/86	51 FR 26836
NPRM Comment Period End	10/28/86	51 FR 33279
Final Action	07/08/87	52 FR 25802
Final Action Effective	08/07/87	52 FR 25802

Small Entity: No

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AA17

1350. RIGHTS-OF-WAY; PRINCIPLES AND PROCEDURES; OIL AND NATURAL GAS PIPELINES AND RELATED FACILITIES, GENERAL

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 181 et seq

CFR Citation: 43 CFR 2800; 43 CFR 2880

Legal Deadline: None.

Abstract: This rule will amend the existing right-of-way regulations to provide a clear and streamlined procedure for setting the annual rental for rights-of-way.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19049
ANPRM Comment Period End	07/03/84	49 FR 19049
ANPRM - Second	01/18/85	50 FR 2697
ANPRM - Second	03/19/85	50 FR 2697
NPRM	09/05/86	51 FR 31886
NPRM Comment Period End	10/20/86	51 FR 31886
Final Action	07/08/87	52 FR 25794
Final Action Effective	08/07/87	52 FR 25794

Small Entity: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AA74

1351. OIL AND GAS LEASING

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to permit the current lessee of an oil and gas interest to obtain a Federal lease for the same minerals without competitive bidding when those minerals vest in the United States.

Timetable:

Action	Date	FR Cite
Combined with 1004-AA97	08/27/87	

Small Entity: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2190**

RIN: 1004-AB30

1352. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None.

Abstract: This rulemaking will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing cooperative agreements with States and Indian tribes for inspection and enforcement.

Timetable:

Action	Date	FR Cite
NPRM	10/14/86	51 FR 36565
NPRM Comment Period End	12/15/86	51 FR 36565
Final Action	07/17/87	52 FR 27180
Final Action Effective	08/17/87	52 FR 27180

Small Entity: No

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2200**

RIN: 1004-AB17

1353. NONCOMPETITIVE LEASES

Legal Authority: 30 USC 201(b)

CFR Citation: 43 CFR 3430

Legal Deadline: None.

Abstract: This rule will provide detailed procedures for use in processing preference right lease applications for coal and will allow full public participation throughout the administrative process and will comply with the court order and opinion in Natural Resources Defense Council v. Berklund.

Timetable:

Action	Date	FR Cite
NPRM	02/20/87	52 FR 5398
NPRM Comment Period End	03/23/87	
Final Action	07/08/87	52 FR 25794
Final Action Effective	08/07/87	52 FR 25794

Small Entity: No

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-4774**

RIN: 1004-AB33

[FR Doc. 87-6609 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-84-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Secretary (OS)

Proposed Rule Stage

1354. ● DEPARTMENT OF THE INTERIOR, PROCUREMENT ETHICS REGULATION

Legal Authority: 5 USC 301; EO 11222; 43 CFR 20.735

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This notice of proposed rulemaking proposes to provide implementing regulations in the Department of the Interior Acquisition Regulation for E. O. 11222 governing ethics conduct for Government employees. The proposed rule would also provide a special code of conduct for employees with procurement responsibilities in accordance with 43 CFR 20.735-2(h).

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: William S. Opdyke, Chief, Division of Acquistion and Assistance, Department of the Interior, Office of the Secretary, 18th and C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1093-AA06

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Secretary (OS)

Final Rule Stage

1355. NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE B AMENDMENTS

Legal Authority: 42 USC 9651(c)(1) CERCLA as amended

CFR Citation: 43 CFR 11

Legal Deadline: Statutory, April 17, 1987. SARA calls for any necessary amendments to be prepared within 6 months of enactment of SARA (Oct. 17, 1986).

Abstract: CERCLA allows trustees of natural resources that have been damaged by a release of a hazardous substance or a discharge of oil to bring a claim against the potentially responsible party of the Superfund. Section 301(c) requires the development of regulations for the assessment of damages to natural resources. Two sets of regulations are required by the Act: a set of simplified procedures that require minimal field investigations, referred to as the type A procedures, and a set of alternative procedures for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. The Superfund Amendments and Reauthorization Act of 1986 (SARA), enacted on October 17, 1986, amended certain sections of CERCLA that pertain to natural resource damages and the Section 301(c) damage assessment regulations. This submittal covers the amendments required to the Section 301(c) damage assessment regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12886
NPRM Comment Period End	06/17/87	52 FR 19896
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Affected Sectors: None

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Office of the Secretary, 18th & C Sts., NW, Washington, DC 20240, **202 343-1301**

RIN: 1093-AA05

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Secretary (OS)

Completed Actions

1356. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Judicial, March 15, 1987. Judicial deadline requires statement concerning special resources by 3/15/87

Abstract: In the natural resource damage assessment regulations, published as a proposed rule 12/20/85, there was an exception proposed to the general common law rule of damages (that damages are calculated as the lesser of: restoration or replacement costs; or diminution of use value) for a certain class of resources called "special resources," those resources were viewed as requiring special protection. Due to the large number of diverse comments on this issue, the "special resources" exception was deleted from the final type B rule (published on 08/01/86) and further comments were requested. This submittal is to address those comments and the issue of special resources.

Timetable:

Action	Date	FR Cite
Final Action	06/12/87	52 FR 22451

Small Entity: No

Additional Information: Notice of Response to Comments; based on comments, no further action needed.

Affected Sectors: None

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Office of the Secretary, 18th and C Sts., NW, Washington, DC 20240, **202 343-1301**

RIN: 1093-AA04

[FR Doc. 87-21236 Filed 10-23-87; 8:45 am]

BILLING CODE 4310-RK-T

federal register

Monday
October 26, 1987

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

48 CFR Ch. 28

Regulatory Agenda

AGENCY: Justice Management Division, Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its October 1987 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR Part 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 87-16, June 25, 1987.

FOR FURTHER INFORMATION CONTACT: Terry Samuels, Executive Secretariat, Justice Management Division, Department of Justice, Room 1110, 10th and Constitution Avenue, NW., Washington, DC 20530 (202-633-3123).

Dated: September 2, 1987.

Anthony C. Moscato,

Counselor to the Assistant Attorney General for Administration.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1357	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03
1358	Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups	1190-AA15
1359	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Justice Programs	1190-AA16
1360	Unfair Immigration - Related Employment Practices	1190-AA17

General Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1361	Justice Acquisition Regulations Title 48 2801 Career Management Program	1103-AA10

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1362	Implementation of the Program Fraud Civil Remedies of 1986	1103-AA15
1363	Procedures for Tax Refund Offsets for the Collection of Judgments	1103-AA16

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1364	Representation and Appearances	1103-AA05
1365	Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair (Cont)	1103-AA14

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1366	Executive Office for Immigration Review Representation and Appearances	1103-AA03
1367	Motions to Reopen Deportation Proceedings	1103-AA07
1368	Justice Acquisition Regulations Title 48 2822 Nondiscrimination on the Basis of Handicap in DOJ Contracting Activities	1103-AA11

DOJ

General Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1369	Suspension of Deportation and Voluntary Departure	1103-AA13

Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1370	Inspection of Persons Applying for Admission	1115-AA27
1371	Nonimmigrant Classes; Special Requirements for Admission; Extension and Maintenance of Status	1115-AA68

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1372	Asylum Procedures	1115-AA13
1373	Seizure and Forfeiture of Vehicles, Vessels and Aircraft	1115-AA26
1374	Immigration User Fee	1115-AA30
1375	Detention and Release of Juveniles	1115-AA53
1376	Display of Control Numbers	1115-AA54
1377	Definitions of Felony and Misdemeanor	1115-AA58
1378	Nonimmigrant Classes, Special Requirements	1115-AA65
1379	Application for Verification of Information from INS Service Records; Form and Fee Cancellation	1115-AA66
1380	Prevention of Unauthorized Landing of Aliens, by Owners and Operators of Railroad Lines, International Bridges, or Toll Roads	1115-AA72
1381	Establishment of National Fines Office	1115-AA73
1382	Immigration User Fee, Conforming Amendments	1115-AA81
1383	Special Agricultural Workers	1115-AA83

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1384	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits	1115-AA19
1385	Nonimmigrant Classes; Temporary Employees	1115-AA25
1386	Powers and Duties of Service Officers; Availability of Service Records	1115-AA28
1387	Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes	1115-AA29
1388	Adjustment of Status to that of Persons Admitted for Permanent Residence; Creation of Records of Lawful Admission of Permanent Residence	1115-AA31
1389	Marriage Fraud Amendment Regulations	1115-AA32
1390	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Judicial Recommendations Against Deportation; Proceedings to Determine Deportability	1115-AA34
1391	Bonds	1115-AA41
1392	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act	1115-AA44
1393	Addition of New Service Office	1115-AA49
1394	State Employment Agencies	1115-AA50
1395	Temporary Disqualification of Certain Newly Legalized Aliens from Receiving Benefits from Federal Programs of Financial Assistance	1115-AA55
1396	Special Agricultural Workers	1115-AA57
1397	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole	1115-AA59
1398	Revision of Field Office Listing	1115-AA60
1399	Adjustment of Status; Persons Admitted for Permanent Residence	1115-AA61
1400	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole Judicial Recommendations Against Deportation Proceedings	1115-AA63

DOJ

Immigration and Naturalization Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1401	Adjustment of Status for Certain Aliens	1115-AA64
1402	Certificate of Citizenship	1115-AA67
1403	Nonimmigrant Classes; Requirements for Admission, Extension, and Maintenance of Status	1115-AA69
1404	Control of Employment of Aliens	1115-AA71
1405	Documentary Requirements, Nonimmigrants	1115-AA74
1406	Visa Waiver Pilot Program	1115-AA75
1407	Equal Treatment of Fathers	1115-AA76
1408	Rule Revision to Add New Special Immigrant and Nonimmigrant Classifications	1115-AA80
1409	Change of Nonimmigrant Classification	1115-AA87
1410	Contracts with Transportation Lines	1115-AA88

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1411	Nonimmigrant Classes; Temporary Employees and Intracompany Transferees	1115-AA18
1412	Nonimmigrant Classes; F-1 Academic Students	1115-AA24
1413	Adjustment of Status for Special Agricultural Workers	1115-AA37
1414	Applicant Processing for Special Agricultural Worker and Legalization Programs; Conforming Amendments, etc	1115-AA39
1415	Statement of Organization; Powers and Duties of Service Officers; Availability of Service Records	1115-AA42
1416	Control of Employment of Aliens	1115-AA43
1417	Special Agricultural Workers	1115-AA45
1418	Fair Petition	1115-AA46
1419	Admission of Refugees	1115-AA47
1420	Nonimmigrant Classes	1115-AA48
1421	Immigration Reform and Control Act: Notice to Employers	1115-AA51
1422	Adjustment of Status for Certain Aliens	1115-AA52
1423	Verfication of Immigration Status of Aliens Applying for Benefits under Certain Programs	1115-AA56
1424	Automatic Conversion of Classification of Beneficiary	1115-AA62
1425	Petition to Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant	1115-AA70
1426	8 CFR Part 245a, Aliens, Temporary Resident Status, Permanent Resident Status	1115-AA77
1427	Application for Certificate of Citizenship, Form and Fee Cancellation	1115-AA78
1428	Relationship by Adoption	1115-AA79
1429	Definitions	1115-AA82
1430	Public Notice to Transportation Carriers	1115-AA84
1431	Immigration Reform and Control Act; Notice to Employers and Persons Desiring Work Authorizations	1115-AA85
1432	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole	1115-AA86
1433	Contracts with Transportation Lines	1115-AA89
1434	Contracts with Transportation Lines; Addition of Continental Airlines	1115-AA90

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1435	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1436	Criminal Intelligence Systems Operating Policies	1121-AA12

DOJ

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1437	Equal Employment Opportunity Program Guidelines	1121-AA10
1438	Nondiscrimination in Federal Assisted Programs -- Implementation of Section 809 (c) (1) of the Justice Assistance Act of 1984	1121-AA11

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Final Rule Stage

1357. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart I, (New)

Legal Deadline: None.

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	00/00/00	

Small Entity: No

Agency Contact: Doreen Dennis, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118, Washington, DC 20035-6118, 202 724-2219

RIN: 1190-AA03

1358. IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a; 42 USC 1973aa-2

CFR Citation: 28 CFR 55

Legal Deadline: None.

Abstract: Revision of the minority language guidelines is needed to conform them to new determinations of coverage and to changes mandated by the 1982 Amendments to the Voting Rights Act, PL 97-205. Affected entities and interested persons will have more accurate information with respect to the application of the minority language requirements of the Voting Rights Act.

Timetable:

Action	Date	FR Cite
Final Action	09/30/87	
Final Action Effective	09/30/87	

Small Entity: Not Applicable

Agency Contact: David H. Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, P.O. Box 66128, Washington, DC 20035-6128, 202 724-5898

RIN: 1190-AA15

1359. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF JUSTICE PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 28 CFR 42

Legal Deadline: None.

Abstract: This proposed regulation would amend the regulation issued by the Department of Justice for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Merrily Raffa, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118, Washington, DC 20035-6118, 202 724-2216

RIN: 1190-AA16

1360. UNFAIR IMMIGRATION - RELATED EMPLOYMENT PRACTICES

Legal Authority: PL 99-603, Sec 102 Immigration Reform and Control Act of 1986

CFR Citation: 28 CFR 44

Legal Deadline: None.

Abstract: This rule establishes standards and procedures for the enforcement of section 102 of the Immigration Reform and Control Act of 1986, which prohibits certain unfair immigration-related employment practices.

Timetable:

Action	Date	FR Cite
NPRM	03/23/87	52 FR 9274
Final Action	09/15/87	
Final Action Effective	10/15/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

DOJ—CRT — **Final Rule Stage**

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Mary E. Mann, Actg Special Counsel for Immigration-, Related Unfair Employment Practices, Department of Justice, Civil Rights Division, Off. of the Special Counsel for Immigration Related Unfair Employment Practices, P.O. Box 65490, Washington, DC 20035-5490, **202 653-8121**

RIN: 1190-AA17

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Prerule Stage

1361. JUSTICE ACQUISITION REGULATIONS TITLE 48 2801 CAREER MANAGEMENT PROGRAM

Legal Authority: EO 12352

CFR Citation: 48 CFR 2801

Legal Deadline: None.

Abstract: 48 CFR 2801. The rules will enhance the qualifications and professionalism of the Department's procurement workforce. There will be no cost to the public. Benefits will include more competitive contracting and lower costs to the Government in the purchase of supplies and services.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: W. L. Vann, Acting Procurement Executive, Department of Justice, General Administration, 601 D Street, NW, Room 9000, Washington, DC 20530, **202 272-8354**

RIN: 1103-AA10

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1362. ● IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES OF 1986

Legal Authority: 31 USC 3801 to 3812; 28 USC 509; 28 USC 510; 5 USC 301

CFR Citation: 28 CFR Not yet determined

Legal Deadline: Statutory, April 29, 1987.

Abstract: These regulations will implement the Program Fraud Civil Remedies Act with respect to actions initiated by the Department of Justice. The rules will establish administrative procedures for imposing statutorily authorized civil penalties against any person who makes, submits or presents a false, fictitious, or fraudulent claim or written statement to the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action Effective	11/30/87	

Small Entity: No

Affected Sectors: None

Agency Contact: Janis Sposato, General Counsel, Justice Management Division, Department of Justice, General Administration, 10th and Constitution Avenue, NW, Washington, DC 20530, **202 633-3452**

RIN: 1103-AA15

1363. ● PROCEDURES FOR TAX REFUND OFFSETS FOR THE COLLECTION OF JUDGMENTS

Legal Authority: 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR Not yet determined

Legal Deadline: None.

Abstract: The proposed regulation will establish procedures for referring to the Department of the Treasury debts for collection by offset against Federal income tax refunds.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action Effective	11/30/87	

Small Entity: No

Agency Contact: Robert C. Niffenegger, Department of Justice, General Administration, 10th Street and Constitution Avenue, NW, Washington, DC 20530, **202 633-5345**

RIN: 1103-AA16

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Final Rule Stage

1364. REPRESENTATION AND APPEARANCES

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Legal Deadline: None.

Abstract: The contemplated regulation change would limit practice of foreign-licensed attorneys outside the definition

DOJ—DOJADM

Final Rule Stage

of attorney under 8 CFR 1.1(f) to matters arising outside the United States and to those instances where the Immigration and Naturalization Service allows such practice. This is designed to help assure the high quality of representation in immigration matters.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2951
NPRM Comment Period End	03/02/87	52 FR 2951

Next Action Undetermined

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA05

1365. ● RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES IN CASES INVOLVING ALLEGATIONS OF UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR (CONT)

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 554; 8 USC 1103; 8 USC 1324a; 8 USC 1324b

CFR Citation: 28 CFR 66

Legal Deadline: None.

Abstract: These regulations will provide the rules of practice and procedure in administrative hearings regarding allegations of unlawful hiring, recruiting or referring for a fee, for employment in the United States of aliens knowing that the aliens are not authorized to work in the United States, or the continued employment of aliens in the United States knowing the aliens are (or have become) unauthorized to work in the United States, failure to comply with the employment verification requirements and unfair immigration-related employment practices.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: TITLE CONT: Immigration-Related Employment Practices

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, 5203 Leesburg Pike, Suite 1609, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA14

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

1366. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW REPRESENTATION AND APPEARANCES

Significance: Agency Priority

CFR Citation: 8 CFR 292.3; 8 CFR 3.1

Completed:

Reason	Date	FR Cite
Final Action	07/02/87	52 FR 24980
Final Action Effective	08/03/87	52 FR 24980

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA03

1367. MOTIONS TO REOPEN DEPORTATION PROCEEDINGS

Significance: Agency Priority

CFR Citation: 8 CFR 242

Completed:

Reason	Date	FR Cite
Final Action	07/15/87	52 FR 26470
Final Action Effective	08/14/87	52 FR 26470

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA07

1368. JUSTICE ACQUISITION REGULATIONS TITLE 48 2822 NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DOJ CONTRACTING ACTIVITIES

CFR Citation: 48 CFR 2822

Completed:

Reason	Date	FR Cite
Prerule withdrawn	08/27/87	

Small Entity: No

Agency Contact: W. L. Vann 202 272-8354

RIN: 1103-AA11

1369. SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Significance: Agency Priority

CFR Citation: 8 CFR 244.2

Completed:

Reason	Date	FR Cite
Final Action	07/02/87	52 FR 24982
Final Action Effective	08/03/87	52 FR 24982

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA13

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Prerule Stage

1370. INSPECTION OF PERSONS APPLYING FOR ADMISSION

Legal Authority: 31 USC 9701

CFR Citation: 8 CFR 235.11

Legal Deadline: None.

Abstract: This proposed rule would amend existing regulations to charge carriers for the administrative costs and

the Service's portion of the Social Security taxes associated with billable 1931 Act overtime.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-4705**

RIN: 1115-AA27

1371. ● NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION; EXTENSION AND MAINTENANCE OF STATUS

Legal Authority: 8 USC 1101 (a)(15)(B); 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None.

Abstract: This notice announces the intent of the Immigration and Naturalization Service ("the Service") to set forth, in regulatory form, the special requirements for admission, extension and maintenance of status of nonimmigrant alien visitors for business and visitors for pleasure. Much of the Service's written policy relating to this subject is now contained in the Service's Operations Instructions at O.I. 214.2(b). Because it is more appropriate for interpretations and rules to be set forth in regulatory form, this information will become part of 8 CFR 214. In addition, the proposed rulemaking will clarify the criteria for according B-1 classification to members of certain occupations (such as participants in religious programs and members of foreign film crews). By issuing this advance notice, the Service is providing an opportunity to the public to submit comments and make suggestions at an earlier stage of the process. This will result in a proposed rule which is more comprehensive in its scope and more understandable to the public.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115-AA68

DEPARTMENT OF JUSTICE (DOJ)

Immigration and Naturalization Service (INS)

Proposed Rule Stage

1372. ASYLUM PROCEDURES

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f)

Legal Deadline: None.

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-5463**

RIN: 1115-AA13

1373. SEIZURE AND FORFEITURE OF VEHICLES, VESSELS AND AIRCRAFT

Legal Authority: 8 USC 1324

CFR Citation: 8 CFR 274

Legal Deadline: None.

Abstract: The proposed changes would amend existing regulations relating to the seizure and forfeiture of vehicles, vessels and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Paul Virtue, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2656**

RIN: 1115-AA26

1374. IMMIGRATION USER FEE

Significance: Regulatory Program

Legal Authority: 8 USC 1356; PL 99-591; 8 USC 1103; 8 USC 1356

CFR Citation: 8 CFR 286

Legal Deadline: None.

Abstract: This proposed rule would add a new 8 CFR 286 to reflect certain provisions of the DOJ Appropriation Act of 1987, concerning the collection and remittance of the Immigration User Fee.

Timetable:

Action	Date	FR Cite
NPRM	08/12/87	52 FR 29863
NPRM Comment Period End	10/13/87	52 FR 29863
Final Action	01/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Charles S. Thompson, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-4705**

RIN: 1115-AA30

1375. ● DETENTION AND RELEASE OF JUVENILES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1182b; 8 USC 1182c; 8 USC 1254; 8 USC 1255; 8 USC 1357; 8 USC 1362

CFR Citation: 8 CFR 212; 8 CFR 242

Legal Deadline: None.

Abstract: The proposed rule would add a new Section 242.24 and would replace existing Subsection 212.5(a)(2)(ii) with a new section. The purpose of this regulation is to codify Service policy regarding detention and release of juvenile aliens and to provide a single policy for juveniles in both deportation and exclusion proceedings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Mary Ruth Calhoun, Juvenile Detention Specialist, Department of Justice, Immigration and Naturalization Service, 202 633-4120

RIN: 1115-AA53

1376. ● DISPLAY OF CONTROL NUMBERS

Legal Authority: 66 Stat. 173; 8 USC 1103

CFR Citation: 8 CFR 299.5

Legal Deadline: None.

Abstract: A new Section 299.5 is being added to 8 CFR Part 299. The new section, titled, Display of Control Numbers, will allow the Immigration and Naturalization Service (Service), to compile, in one centralized location within its regulations, a listing of all current Service public use forms and their respective control numbers as assigned by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The consolidated identification of public use forms will enable both Service officials and the public to easily identify those public use forms in current use by the Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Sharon A. Andrade, Management Analyst, Department of Justice, Immigration and Naturalization Service, 202 633-3291

RIN: 1115-AA54

1377. ● DEFINITIONS OF FELONY AND MISDEMEANOR

Legal Authority: 8 USC 1255A

CFR Citation: 8 CFR 245a

Legal Deadline: None.

Abstract: Amends the definition of felony and misdemeanor as it applies to applicants for temporary resident status under the legalization program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Franchesco Isgro, Acting Deputy General Counsel, Department of Justice, Immigration and Naturalization Service, 202 633-2517

RIN: 1115-AA58

1378. ● NONIMMIGRANT CLASSES, SPECIAL REQUIREMENTS

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None.

Abstract: The Immigration and Naturalization Service ("the Service") proposes to restrict the types of situations under which an alien may apply for an extension of stay as a nonimmigrant visitor for pleasure (B-2). Faced with ever-increasing adjudications caseloads and with resources which fail to keep pace with those increases, the Service must continually seek ways to carry out its responsibilities in a more efficient manner. By limiting the situations under which a visitor for pleasure may seek an extension of stay, the Service will decrease the amount of resources which must be dedicated to this area and will be able to increase its efforts in other areas having higher priority.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-3946

RIN: 1115-AA65

1379. ● APPLICATION FOR VERIFICATION OF INFORMATION FROM INS SERVICE RECORDS; FORM AND FEE CANCELLATION

Legal Authority: 8 USC 1103; 31 USC 9701

CFR Citation: 8 CFR 103.7

Legal Deadline: None.

Abstract: The Immigration and Nationalization Service ("the Service") entertains numerous requests for Verification of Information from INS Service Records, via Form G-641. This form has been misused as a substitute document, while other INS documents are being prepared (i.e.: I-94, I-551 or Certificate of Naturalization or Citizenship). Should an applicant need to have his or her status verified while waiting for one of these documents to be processed, and such verification can be satisfied by obtaining a copy of a document (Certified if necessary), an FOIA/PA request can be made. If verification is needed to obtain a benefit and a copy will not suffice, the agency needing verification can make a direct request to the INS and it will be handled as appropriate.

Discontinuing the use of Form G-641 will also eliminate the need to request Form G-350, Certification of Birth Data. Requests for this document are minimal since foreign-born children are issued an alien registration receipt card or a citizenship document by INS and no other form of identification should be necessary.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Ramonia Law-Hill, Information Management Specialist, Department of Justice, Immigration and Naturalization Service, 202 633-2552

RIN: 1115-AA66

DOJ—INS

Proposed Rule Stage

1380. ● PREVENTION OF UNAUTHORIZED LANDING OF ALIENS, BY OWNERS AND OPERATORS OF RAILROAD LINES, INTERNATIONAL BRIDGES, OR TOLL ROADS

Legal Authority: 8 USC 1103; 8 USC 1321

CFR Citation: 8 CFR 271

Legal Deadline: None.

Abstract: It has long been the contention of owners of international bridges that sufficient safeguards to fine procedures were lacking in the statutory language of Section 271 (8 U.S.C. 1321) of the Immigration and Nationality Act, as amended. The Immigration Reform and Control Act of 1986, Public Law 99-603 Part B at Section 114 provides amelioration to some degree of this contention. This regulation provides for an inspection by the Attorney General, at the request of owners and operators of facilities which provide a means for the unlawful entry of aliens into the United States. If a determination is made that adequate measures have been taken by the owners to prevent such unlawful entry, the owners will be relieved from liability to fine proceedings as long as the facility remains in the condition in which approved.

Timetable:

Action	Date	FR Cite
NPRM	01/16/87	52 FR 1920
NPRM Comment Period End	02/17/87	52 FR 1920

Next Action Undetermined

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Daniel Stephan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 202 633-2745

RIN: 1115-AA72

1381. ● ESTABLISHMENT OF NATIONAL FINES OFFICE

Legal Authority: PL 99-591

CFR Citation: 8 CFR 280

Legal Deadline: None.

Abstract: This rule establishes a centralized handling of administrative fines; dept established as a precursor of National Collections office. Removes workload from district examiners.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Daniel J. Stephan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 202 633-2680

RIN: 1115-AA73

1382. ● IMMIGRATION USER FEE, CONFORMING AMENDMENTS

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1356; PL 99-591

CFR Citation: 8 CFR 232; 8 CFR 233; 8 CFR 235; 8 CFR 237; 8 CFR 238; 8 CFR 239; 8 CFR 271; 8 CFR 273; 8 CFR 280; 8 CFR 299

Legal Deadline: None.

Abstract: Section 101(b) subsection 205 of the Department of Justice Appropriation Act, 1987 (P.L. 99-591) establishes the collection, payment, and remittance of a specific user fee for the Immigration inspection or preinspection of passengers (with certain exceptions) arriving in the U.S. aboard commercial aircraft or commercial vessels. Subsection 206 of P.L. 99-591 places the responsibility for physical custody of excludable aliens pursuant to former section 233 of the I & N Act of 1952, as amended on the INS. This proposed rule addresses this change from carrier responsibility to INS responsibility. This rule would also amend present regulations to conform to statutory deletions and amendments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 202 633-4705

RIN: 1115-AA81

1383. ● SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101 note

CFR Citation: 8 CFR 210.2(c)(1)

Legal Deadline: None.

Abstract: 8 CFR 210.2(c)(1) is amended to provide that the entry cut-off date for eligibility to apply for Special Agricultural Worker status in the United States applies only to aliens who entered unlawfully. This is consistent with the intent of INS in setting such a date.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers (SAW), Department of Justice, Immigration and Naturalization Service, 202 786-3658

RIN: 1115-AA83

DEPARTMENT OF JUSTICE (DOJ)

Immigration and Naturalization Service (INS)

Final Rule Stage

1384. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.7(d)

Legal Deadline: None.

Abstract: This final rule outlines requirements for approval of section 212(k) waivers, including an amended I-193 for use in making the application.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Agency Contact: Kathryn Sheehan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2725**

RIN: 1115-AA19

1385. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None.

Abstract: The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to provide permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This interim rule establishes special H-2A regulatory criteria. It supplements the Department of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15) (H) of the Immigration and Nationality Act

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	52 FR 28576
Interim Final Rule	06/01/87	52 FR 20554
Interim Rule Effective Date	06/01/87	52 FR 20554
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Michael L. Aytes, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3946**

RIN: 1115-AA25

1386. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(b)

Legal Deadline: None.

Abstract: This proposed rule would authorize a district director to withhold adjudication of a visa petition or application when determined necessary to pursue a criminal investigation.

Timetable:

Action	Date	FR Cite
NPRM	05/30/86	51 FR 19559
NPRM Comment Period End	07/29/86	51 FR 19559

Next Action Undetermined

Small Entity: No

Agency Contact: Lori Scialabba, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3197**

RIN: 1115-AA28

1387. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1351; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 103.1(f)(1); 8 CFR 214.4

Legal Deadline: None.

Abstract: This proposed rule would revise the procedures and authority to withdraw approval of a school to enroll foreign students.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40207
NPRM Comment Period End	01/05/87	51 FR 40207
Final Action	02/00/88	

Small Entity: No

Agency Contact: Joanna London, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2895**

RIN: 1115-AA29

1388. ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE; CREATION OF RECORDS OF LAWFUL ADMISSION OF PERMANENT RESIDENCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255; 8 USC 1257; 8 USC 1259

CFR Citation: 8 CFR 245.1; 8 CFR 245.6; 8 CFR 245.7; 8 CFR 245.8; 8 CFR 245.9; 8 CFR 249.2

Legal Deadline: Statutory, November 6, 1986.

Abstract: This interim rule will implement sections 117, 202, and 203 of the Immigration Reform and Control Act of 1986. Section 107 contains prohibitions on adjustment of lawful permanent resident status by certain individuals. Section 202 provides for adjustment to lawful permanent resident status by certain nationals of Cuba and Haiti. Section 203 changes the registry date for creation of record of lawful permanent residence from June 30, 1948 to January 1, 1972.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/03/87	52 FR 6320
Correction of legal citation	04/27/87	52 FR 13827
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

DOJ—INS **Final Rule Stage**

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3320

RIN: 1115-AA31

1389. MARRIAGE FRAUD AMENDMENT REGULATIONS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1181; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1203; 8 USC 1225; 8 USC 1226; 8 USC 1227; PL 99-639

CFR Citation: 8 CFR 204.1; 8 CFR 205.1; 8 CFR 211.1; 8 CFR 212.7; 8 CFR 214.2; 8 CFR 216.1; 8 CFR 216.2; 8 CFR 216.3; 8 CFR 216.4; 8 CFR 216.5; 8 CFR 223.2; 8 CFR 223a.4; 8 CFR 235.11; 8 CFR 242.7; 8 CFR 242.17; ...

Legal Deadline: None.

Abstract: The Immigration Marriage Fraud Amendments of 1986 (Pub.L. 99-639) became effective on November 10, 1986. The law provides for conditional permanent resident status for certain alien spouses, sons and daughters of US citizens and lawful permanent residents. It also provides for the removal of the conditional basis of such residence upon the filing of a joint petition by the conditional resident and the petitioning spouse. Additionally, the law provides for the termination of an alien's lawful permanent residence for failure to file the necessary petition or for other reasons. This rulemaking creates interim regulations necessary for the implementation of the law pending preparation of final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3946

RIN: 1115-AA32

1390. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; PROCEEDINGS TO DETERMINE DEPORTABILITY

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(23); 8 USC 1251(a)(11); 8 USC 1252(i); 8 USC 1357(d); PL 99-570; PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1182b; 8 USC 1183c; 100 Stat. 3207

CFR Citation: 8 CFR 212.3(a) & (b); 8 CFR 241.1(a) & (b); 8 CFR 242.2; 8 CFR 287.1(g) to (i); 8 CFR 287.7(a) to (f)

Legal Deadline: None.

Abstract: The changes would amend the present rules by (1) addition of supplementary definitions to those already found in the regulations; (2) establishment of procedures for expeditious processing of aliens convicted of offenses which render them deportable from the United States; and (3) establishment of procedures for making determinations necessary as to issuing detainers against aliens arrested for controlled substance violations. These changes are necessitated by the provisions of two recently passed statutes relating to criminal aliens and alien narcotics traffickers, which amended certain provisions of the INA: the Anti-Drug Abuse Act of 1986, Pub. L. 99-570; and the Immigration Reform and Control Act of 1986, Pub. L. 99-603. Prompt establishment of the procedures contained in this rule is necessary to ensure that Service operations are conducted in a manner consistent with the Congressional intent of both Acts.

Timetable:

Action	Date	FR Cite
Public Notice of Pilot Project	04/22/87	52 FR 13330
Interim Final Rule	05/05/87	52 FR 16370
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Walter D. Cadman, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 786-4502

RIN: 1115-AA34

1391. ● BONDS

Legal Authority: 5 USC 552(A); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243; ...

CFR Citation: 8 CFR 103

Legal Deadline: None.

Abstract: This rule proposes to eliminate surety bonds as acceptable security on immigration appearance, public charge, and maintenance of status and departure bonds. This change is necessary to increase alien appearances and minimize dollar losses to the U.S.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24475
NPRM Comment Period End	07/31/87	52 FR 24475
Interim Final Rule	11/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: James H. Walsh, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 202 633-1261

RIN: 1115-AA41

1392. ● TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

Legal Authority: 8 USC 1101

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None.

Abstract: The proposed rule amends regulations of the INS relating to Temporary Alien Workers seeking classification under section 101(a) (15) (H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576

DOJ—INS

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-3240

RIN: 1115-AA44

1393. ● ADDITION OF NEW SERVICE OFFICE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None.

Abstract: 8 CFR 204.1(a)(2)(iii) determines the jurisdiction assumed by consular officers who are authorized to approve Forms I-130, Petitions for Alien Relatives. Consular officers located in areas where an Immigration and Naturalization Service office exists are not authorized to adjudicate Forms I-130. The opening of a Service office in New Delhi, India, rescinds the authority of consular officers in India to approve I-130 petitions. This notice clarifies that Form I-130, Petitions for Alien Relatives, which are filed by petitioners who reside in India are to be filed at the INS office at New Delhi and not at the American consulate office located in India.

Timetable:

Action	Date	FR Cite
Final Action	09/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Yolanda Sanchez-K, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115-AA49

1394. ● STATE EMPLOYMENT AGENCIES

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; PL 99-603

CFR Citation: 8 CFR 274a.6

Legal Deadline: None.

Abstract: This interim rule amends the regulations at 8 CFR 274a.6, defining procedures for state employment agencies in verifying the identity and employment eligibility of individuals and certifying verifications to employers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Steven M. Hurst, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 202 633-4495

RIN: 1115-AA50

1395. ● TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM RECEIVING BENEFITS FROM FEDERAL PROGRAMS OF FINANCIAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 8 USC 1101, (Note); PL 99-603; 100 Stat. 3359

CFR Citation: 8 CFR 245a

Legal Deadline: None.

Abstract: This proposed rule implements section 245A of the Immigration and Nationality Act ("ACT"), as amended by Section 201 of the Immigration Reform and Control Act of 1986, Pub.L. 99-603 ("IRCA"). Section 245A(h) of the Act provides that, with certain exceptions, aliens granted lawful temporary resident status pursuant to section 245A(a) are not eligible for a period of five years after such grant to receive benefits from programs of financial assistance furnished under Federal law on the basis of financial need. The Attorney General is required by section 245A(h)(1)(A)(i) of the Act to identify such programs after consultation with other appropriate heads of the various departments and agencies of government. This proposed rule implements such provision.

Timetable:

Action	Date	FR Cite
NPRM	08/24/87	52 FR 31784
Final Action	12/00/87	

Small Entity: No

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Paul W. Virtue, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 202 633-2656

RIN: 1115-AA55

1396. ● SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

Legal Authority: 8 USC 1101 note

CFR Citation: 8 CFR 210

Legal Deadline: None.

Abstract: This rule incorporates in 8 CFR 210, a reference to the rules established by the Secretary of Agriculture for implementation of the special agricultural worker provisions of the Immigration Reform and Control Act of 1986 (IRCA).

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Michael D. Cronin, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-4657

RIN: 1115-AA57

1397. ● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Legal Authority: 8 USC 1103; 8 USC 1182

CFR Citation: 8 CFR 212.1(e)(3)

Legal Deadline: None.

Abstract: This rule amends the listing of countries, for which transit without visa privileges are unavailable, to include Syria.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Y. Peggy Wong, Assistant Chief Inspector, Department

of Justice, Immigration and Naturalization Service, **202 633-4033**

RIN: 1115-AA59

1398. ● REVISION OF FIELD OFFICE LISTING

Legal Authority: 66 Stat. 173; 8 USC 1103

CFR Citation: 8 CFR 100.4(d)

Legal Deadline: None.

Abstract: Amending the list of Border Patrol Sectors to include Puerto Rico under the Eastern Region.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Luis Barker, Deputy Chief, Border Patrol, Department of Justice, Immigration and Naturalization Service, **202 633-1109**

RIN: 1115-AA60

1399. ● ADJUSTMENT OF STATUS; PERSONS ADMITTED FOR PERMANENT RESIDENCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255; 8 USC 1257

CFR Citation: 8 CFR 245

Legal Deadline: None.

Abstract: This regulatory change will require that all future applicants for permanent residence under the Cuban Adjustment Act submit with their application local police clearances from every jurisdiction in the United States where they have lived for six months or more. This action is necessary because the number of applicants has decreased to the point where the automated record checks previously conducted are no longer practical.

Timetable:

Action	Date	FR Cite
NPRM	04/10/87	52 FR 11659
NPRM Comment Period End	05/11/87	52 FR 11659
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3320**

RIN: 1115-AA61

1400. ● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION PROCEEDINGS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1182b; 8 USC 1182c; 8 USC 1251; 8 USC 1357; 8 USC 1254; 8 USC 1362

CFR Citation: 8 CFR 212; 8 CFR 241; 8 CFR 242; 8 CFR 287

Legal Deadline: None.

Abstract: These changes amend the present rules by (1) addition of supplementary definitions to those already found in the regulations; (2) establishment of procedures for expeditious processing of aliens convicted of offenses which render them deportable from the United States; and (3) establishment of procedures for making determinations necessary as to issuing detainers against aliens arrested for controlled substance violations. These changes are necessitated by the provisions of two recently passed statutes relating to criminal aliens and aliens narcotics traffickers, which amended certain provisions of the Immigration and Nationality Act: The Anti-Drug Abuse Act of 1986, Pub. L. 99-570; and the Immigration Reform and Control Act of 1986, Pub. L. 99-603.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/87	52 FR 16370
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter D. Cadman, Deputy Assistant Commissioner Investigations, Department of Justice, Immigration and Naturalization Service, **202 786-4502**

RIN: 1115-AA63

1401. ● ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

Legal Authority: PL 99-603; Stat. 3359; 8 USC 1101 note

CFR Citation: 8 CFR 245a

Legal Deadline: None.

Abstract: This regulation provides technical corrections to existing Service regulations published on May 1, 1987 at 52 FR 16205, and provides additional guidance as required.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Terrance M. O'Reilly, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, **202 633-4657**

RIN: 1115-AA64

1402. ● CERTIFICATE OF CITIZENSHIP

Legal Authority: PL 99-653; 8 USC 1103; 8 USC 1409(c); 8 USC 1434; 8 USC 1444; 8 USC 1448; 8 USC 1452; 8 USC 1455

CFR Citation: 8 CFR 341

Legal Deadline: Statutory, November 6, 1986.

Abstract: This rule change will implement section 22 of Public Law 99-653, the Immigration and Nationality Act Amendments of 1986, regarding issuance of certificates of citizenship for adopted children. The effect of this rule change is to facilitate acquisition of United States citizenship by adopted alien children once they enter the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/87	52 FR 13229
Notice of Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115-AA67

DOJ—INS

Final Rule Stage

1403. ● NONIMMIGRANT CLASSES; REQUIREMENTS FOR ADMISSION, EXTENSION, AND MAINTENANCE OF STATUS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214

Legal Deadline: None.

Abstract: This proposed rule would revise the documentary requirements for submission of an application for extension of stay by an alien temporarily in the United States. Current regulations require that an alien's passport be valid for at least six months beyond the date on which he or she intends to depart from the United States. Under the proposed rulemaking the alien would be required to certify at the time of application for extension that the passport is valid and that he or she will maintain the validity of the passport throughout his or her stay. The alien would no longer be required to establish that the passport is valid for six months beyond the anticipated departure date.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22661
NPRM Comment Period End	07/15/87	52 FR 22661
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115-AA69

1404. ● CONTROL OF EMPLOYMENT OF ALIENS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a

CFR Citation: 8 CFR 274a

Legal Deadline: None.

Abstract: Technical amendments to 8 CFR 274a which provide clarification and amplification where needed and correct technical errors.

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter D. Cadman, Deputy Assistant Commissioner Investigations, Department of Justice, Immigration and Naturalization Service, **202 786-4502**

RIN: 1115-AA71

1405. ● DOCUMENTARY REQUIREMENTS, NONIMMIGRANTS

Legal Authority: PL 99-396

CFR Citation: 8 CFR 212

Legal Deadline: Statutory, November 27, 1986.

Abstract: Waives the nonimmigrant visitor visa for Nationals of certain countries admitted onto GUAM.

Timetable:

Action	Date	FR Cite
Final Action	09/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Kathryn E. Sheehan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, **202 633-2725**

RIN: 1115-AA74

1406. ● VISA WAIVER PILOT PROGRAM

Significance: Agency Priority

Legal Authority: Sec 217 IRCA

CFR Citation: 8 CFR 212

Legal Deadline: None.

Abstract: Waives nonimmigrant tourist visa for nationals of eight different countries.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/88	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Kathryn E. Sheehan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, **202 633-2725**

RIN: 1115-AA75

1407. ● EQUAL TREATMENT OF FATHERS

Legal Authority: PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: Statutory, November 6, 1987.

Abstract: This revision is to assist in the implementation of Pub. L. 99-603, the Immigration Reform and Control Act of 1986, which recognizes, for preference petition purposes, the relationship between a biological father and his illegitimate child.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115-AA76

1408. ● RULE REVISION TO ADD NEW SPECIAL IMMIGRANT AND NONIMMIGRANT CLASSIFICATIONS

Legal Authority: 8 USC 1103; 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 101; 8 CFR 214

Legal Deadline: Statutory, November 6, 1987. Interim rules effective date.

Abstract: This revision was issued to assist in the implementation of P.L. 99-603, which created new special immigrant and nonimmigrant classifications. This provision was intended to alleviate hardships of international organizations and their immediate family members. The new nonimmigrant classification was added to minimize any family separations caused by ineligibility for special immigrant status on behalf of certain parents and children of persons accorded Section 101(a)(27)(I) status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	
Notice of Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook, Senior Immigration Examiner,

Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115–AA80

1409. ● CHANGE OF NONIMMIGRANT CLASSIFICATION

Legal Authority: PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1257; 8 USC 1258

CFR Citation: 8 CFR 248

Legal Deadline: Statutory, November 6, 1987. Effective date Pub. L. 99-603

Abstract: This rule change will implement section 312 of Pub. L. 99-603, the Immigration Reform and Control Act of 1986, to facilitate an application for a change to nonimmigrant (N) status while in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/11/87	52 FR 11621
Notice for Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115–AA87

1410. ● CONTRACTS WITH TRANSPORTATION LINES

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 238

Legal Deadline: None.

Abstract: This rule amends the listing of transportation lines which have entered into agreements with the INS for the preinspection of their passengers and crew at locations outside the United States.

Timetable:

Action	Date	FR Cite
Quarterly update of listing	09/00/87	
Quarterly update of listing	12/00/87	
Quarterly update of listing	03/00/88	
Quarterly update of listing	06/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Janet M. Charney, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, **202 633-2694**

RIN: 1115–AA88

DEPARTMENT OF JUSTICE (DOJ)

Immigration and Naturalization Service (INS)

Completed Actions

1411. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES AND INTRACOMPANY TRANSFEREES

CFR Citation: 8 CFR 214.2(h); 8 CFR 214.2(l)

Completed:

Reason	Date	FR Cite
Final Action	02/26/87	52 FR 5738
Final Action Effective	03/30/87	52 FR 5738

Small Entity: No

Agency Contact: Flora Richardson **202 633-3240**

RIN: 1115–AA18

1412. NONIMMIGRANT CLASSES; F-1 ACADEMIC STUDENTS

CFR Citation: 8 CFR 214.2(f); 8 CFR 214.3(g); 8 CFR 248.1(e)

Completed:

Reason	Date	FR Cite
Final Action	04/22/87	52 FR 13223
Final Action Effective	05/22/87	

Small Entity: No

Agency Contact: Joseph D. Cuddihy **202 633-3320**

RIN: 1115–AA24

1413. ● ADJUSTMENT OF STATUS FOR SPECIAL AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101

CFR Citation: 8 CFR 210

Legal Deadline: Statutory, June 1, 1987.

Abstract: This rule establishes Part 210 of 8 CFR, a new part added to conform with the new section 210 of the Immigration and Nationality Act established by Pub. L. 99-603, the Immigration Reform and Control Act of 1986 (IRCA). This rule sets the criteria and procedures to be used to adjust the status of special agricultural workers to that of temporary residents; sets standards for maintenance of that status; outlines the benefits accruing to temporary residents and the distinctions between temporary and permanent resident status; sets criteria and procedures for termination of temporary resident status; and establishes procedures for adjustment of the status of temporary resident special agricultural workers to that of permanent residents.

Timetable:

Action	Date	FR Cite
ANPRM	01/20/87	52 FR 2115
NPRM	03/19/87	52 FR 6745
NPRM Comment Period End	04/20/87	52 FR 6745
Final Action	05/01/87	52 FR 16195
Final Action Effective	06/01/87	52 FR 16195

Small Entity: No

Agency Contact: William S. Slattery, Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, **202 633-4657**

RIN: 1115–AA37

1414. ● APPLICANT PROCESSING FOR SPECIAL AGRICULTURAL WORKER AND LEGALIZATION PROGRAMS; CONFORMING AMENDMENTS, ETC

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 28 USC 1746; 31 USC 9701; PL 99-603; OMB Circular A-25; EO 12356

DOJ—INS

Completed Actions

CFR Citation: 8 CFR 100; 8 CFR 103; 8 CFR 211; 8 CFR 212; 8 CFR 234; 8 CFR 242; 8 CFR 264; 8 CFR 299

Legal Deadline: Statutory, May 1, 1987.

Abstract: This rule sets forth conforming amendments to existing regulations. These provisions relate to the processing of applicants for lawful temporary resident status under the Special Agricultural Worker and Legalization programs, as authorized by the enactment of the Immigration Reform and Control Act of 1986.

This rule sets forth the lines of authority and organization for the Legalization and Special Agricultural Worker programs; sets procedures for appeals, motions, and certifications on applications for adjustment of status under sections 210 and 245A of the Immigration and Nationality Act; sets fees and form numbers and titles for legalization and special agricultural worker applications; establishes documentary requirements and conditions governing the travel of temporary residents and the entry into the United States of prospective applicants or legalization for special agricultural worker status; and provides for the designation of additional civil surgeons to accommodate the large number of applicants anticipated.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8740
NPRM Comment Period End	04/20/87	52 FR 8740
Final Action	05/01/87	52 FR 16190
Final Action Effective	05/01/87	52 FR 16190

Small Entity: Undetermined

Agency Contact: **William S. Slattery,** Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, **202 633-4657**

RIN: 1115-AA39

1415. ● STATEMENT OF ORGANIZATION; POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 31 USC 9701; 7 USC 2243; 28 USC 1746; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 100; 8 CFR 103

Legal Deadline: None.

Abstract: The Service closed its office in Naples, Italy on February 1, 1987, and opened new office in New Delhi, India on the same date to provide for more efficient management and administration of its overseas operations.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/01/87	52 FR 22629
Final Action	06/15/87	52 FR 22629

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **Bruce J. Nicholl,** Immigration Inspector, Department of Justice, Immigration and Naturalization Service, **202 633-5463**

RIN: 1115-AA42

1416. ● CONTROL OF EMPLOYMENT OF ALIENS

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324A

CFR Citation: 8 CFR 274a

Legal Deadline: Statutory, June 1, 1987.

Abstract: This rule adds Part 274a and redesignates Part 109 with amendments as Part 274a, Subpart B, by: (1) defining terms to clarify the regulations; (2) adding new sections to establish procedures for the verification of employment eligibility for workers in the United States; (3) delineating new sections to establish enforcement and process procedures for violations; (4) redesignating Part 109 (Employment Authorization) as Subpart B of Part 274a to consolidate into one part that would otherwise be dispersed regulations. The rule is necessitated by the Immigration Reform and Control Act of 1986, Public Law 99-603, which amended the Immigration and Nationality Act (Act) by adding provisions prohibiting the unlawful employment of aliens. These provisions make it unlawful to hire, recruit or refer for a fee for employment, unauthorized aliens in the United States. The rule provides for an employment eligibility verification system designed to prevent the employment of unauthorized aliens.

Timetable:

Action	Date	FR Cite
Final Action	05/01/87	52 FR 16216
Final Action Effective	06/01/87	52 FR 16216

Small Entity: Yes

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: **Walter D. Cadman,** Deputy Assistant Commissioner Investigations, Department of Justice, Immigration and Naturalization Service, **202 786-4502**

RIN: 1115-AA43

1417. ● SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

Legal Authority: 8 USC 1101; PL 99-603; 100 Stat. 3359

CFR Citation: 8 CFR 210

Legal Deadline: None.

Abstract: This rule incorporates various amendments to the regulations governing the Special Agricultural Worker Program and establishes a temporary transitional admission standard and other temporary transitional program adjustments designed to expedite the overseas processing of special agricultural workers.

The temporary transitional admission program will provide for the entry of SAW eligible aliens who were not present in the United States prior to June 26, 1987. This rule also advances from May 1, 1987, to June 26, 1987, the date before which applicants must have entered the United States in order to be eligible to apply in the United States for special agricultural worker status. Finally, the rule adjusts the provisions for administration of the numerical limitations on applicants who may be accorded Group 1 special agricultural worker classification.

Timetable:

Action	Date	FR Cite
Final Action	07/31/87	52 FR 28660
Final Action Effective	07/31/87	52 FR 28660

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers, Department of Justice, Immigration and Naturalization Service, **202 633-4657**

RIN: 1115-AA45

1418. ● FAIR PETITION

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 109.1

Legal Deadline: None.

Abstract: On October 28, 1986 (51 FR 39385) the Immigration and Naturalization Service ("the Service") published a petition for rulemaking submitted by the Federation for American Immigration Reform ("FAIR"). The petition sought the rescission of 8 CFR 109.1(b) relating to employment authorization for aliens in the United States because the petitioner believed that the Service had exceeded its authority in promulgating the regulation. In publishing the FAIR petition, the Service explained that it was taking no position on the issues raised in the petition, but was seeking comments from interested parties. The period for submission of comments was initially designated as from October 28, 1986 to December 29, 1986, but was extended on December 18, 1986 until January 28, 1987 to afford the public an opportunity to submit comments in light of the Immigration Reform and Control Act of 1986. Upon a thorough review of the comments received, the Service now denies the petition.

Timetable:

Action	Date	FR Cite
Denial of Petition	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115-AA46

1419. ● ADMISSION OF REFUGEES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1159; 8 USC 1182

CFR Citation: 8 CFR 207

Legal Deadline: None.

Abstract: The Immigration and Naturalization Service is withdrawing its proposal to amend 8 CFR 207 which would have modified the procedure to be used in determining eligibility to be considered for refugee admission under Sec 207 of the Immigration and Nationality Act, as amended by the Refugee Act of 1980. After careful consideration of all comments received in response to the proposed rulemaking we believe there was a misunderstanding on what this service was attempting to accomplish. Consequently, we have decided to withdraw the proposal at this time. The modification would have required that applicants eligible for immigrant visas under the preference classes established in subsection 203(a) of the Act and for whom a visa number would be available within one year not be admitted as refugees unless it was in the public interest. As a result of this action, we will continue with the status quo on refugee processing.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44795
NPRM Comment Period End	03/03/87	52 FR 4913
Withdrawn	06/19/87	52 FR 23307

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Daniel Solis, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, **202 633-5463**

RIN: 1115-AA47

1420. ● NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214.2

Legal Deadline: None.

Abstract: This notice clarifies certain questions raised concerning the amendment to 8 CFR 214.2, issued by the Immigration and Naturalization Service December 3, 1986 and published in the Federal Register on December 9, 1986 at 51 FR 44266. This notice also explains the basis for the foregoing amendment.

Timetable:

Action	Date	FR Cite
Public Notice	08/14/87	52 FR 30329

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115-AA48

1421. ● IMMIGRATION REFORM AND CONTROL ACT: NOTICE TO EMPLOYERS

Significance: Agency Priority

Legal Authority: PL 99-603

CFR Citation: 8 CFR 274a

Legal Deadline: None.

Abstract: The purpose of this notice is to provide the public with the materials that the Immigration and Naturalization Service (INS) has developed for employers to comply with the employer sanctions provisions of the Immigration Reform and Control Act of 1986 (Pub.L. No. 99-603). Enforcement of the employers sanctions provisions of the Immigration Reform and Control Act (IRCA) is statutorily mandated to begin on June 1, 1987. Contained in this notice are the "Employment Eligibility Verification Form I-9" which is to be used by employers to verify the employment eligibility of employees hired after November 6, 1986, and the M-274 "Handbook for Employers" which provides employers with step-by-step instructions on how to complete the Form I-9 and other information regarding compliance with the new immigration law.

Timetable:

Action	Date	FR Cite
Public Notice	06/05/87	52 FR 21454

Small Entity: Yes

Government Levels Affected: State, Federal

Agency Contact: Walter D. Cadman, Deputy Assistant Commissioner, Investigations, Department of Justice, Immigration and Naturalization Service, **202 786-4502**

RIN: 1115-AA51

1422. ● ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

Significance: Regulatory Program

Legal Authority: 8 USC 1101; PL 99-603; 100 Stat. 3359

CFR Citation: 8 CFR 245a

Legal Deadline: Statutory, May 1, 1987.

Abstract: This rule implements section 245A of the Immigration and Nationality Act as amended by section 201 of the Immigration Reform and Control Act of 1986 ("IRCA"). Section 201 of IRCA directs the Attorney General to adjust the status of certain aliens to that of aliens lawfully admitted for temporary residence if they meet certain requirements. This section also directs the Attorney General to adjust the status of a temporary resident alien to that of an alien lawfully admitted for permanent residence if the alien meets certain requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8752
NPRM Comment Period End	04/20/87	52 FR 8752
Final Action	05/01/87	52 FR 16205
Final Action Effective	05/01/87	52 FR 16205

Small Entity: No

Agency Contact: **William S. Slattery,** Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, **202 633-4657**

RIN: 1115-AA52

1423. ● VERFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS

Significance: Agency Priority

Legal Authority: PL 99-603; 100 Stat. 3359

CFR Citation: 8 CFR C 121

Legal Deadline: None.

Abstract: This notice describes the Systematic Alien Verification for Entitlements (SAVE) Program as it relates to Section 121 of the Immigration Reform and Control Act of 1986 (IRCA) which requires immigration status verification of alien applicants under certain federally subsidized entitlement programs. SAVE will provide a data base specifically designed to capture information contained in INS records which when used by the entitlement issuing authority will allow it to verify the alien's immigration status. This verification will assist the federal or state issuing authority in determining the eligibility of the alien applicant to receive federally subsidized benefits. Each overseeing agency affected by this provision will publish separate regulations, as necessary, describing the use of this system. Those agencies and the designated programs include: the Department of Agriculture; the Department of Housing and Urban Development; the Department of Labor; the Department of Education; and the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Public Notice	09/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: **Neville W. Cramer,** Director, SAVE Program, Department of Justice, Immigration and Naturalization Service, **202 633-2317**

RIN: 1115-AA56

1424. ● AUTOMATIC CONVERSION OF CLASSIFICATION OF BENEFICIARY

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204.5

Legal Deadline: None.

Abstract: Title 8, Code of Federal Regulations, Part 204.5, Automatic Conversion of Classification of Beneficiary, should clearly show that the priority date for visa-issuing purposes remains the same priority date as when the initial petition was filed, even though the event changing the classification of the beneficiary was subsequent to the approval of the petition. This amendment to the regulations clarifies for the service, immigration attorneys and representatives, and the public, the process for the automatic conversion of classification of a beneficiary of an approved Form I-130, Petition for Alien Relative, to the proper classification and priority date.

Timetable:

Action	Date	FR Cite
Final Action	09/00/87	

Small Entity: No

Agency Contact: **Yolanda Sanchez-K,** Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115-AA62

1425. ● PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None.

Abstract: This rulemaking changes the method by which a third preference or sixth preference priority date is established. Under regulations which have been in effect since June 20, 1986, a priority date established by the submission of a request for labor certification is lost if the immigrant visa petition seeking third or sixth preference classification is not filed within 60 days of the date of issuance of the certification, or if the petition is not resubmitted within 60 days of being returned to the petitioner for additional information. The regulations were promulgated in order to prevent certain abuses which existed under the prior regulations. However, the enactment of the Immigration Reform and Control Act of 1986 (IRCA) on November 6, 1986 made the June 20 changes superfluous, since IRCA more effectively prevents the same abuses.

Timetable:

Action	Date	FR Cite
NPRM	05/14/87	52 FR 18236
NPRM Comment Period End	06/15/87	52 FR 18236
Final Action	08/18/87	52 FR 30899
Final Action Effective	09/17/87	52 FR 30899

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **Michael L. Shaul,** Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115-AA70

1426. ● 8 CFR PART 245A, ALIENS, TEMPORARY RESIDENT STATUS, PERMANENT RESIDENT STATUS

Significance: Agency Priority

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101 note

CFR Citation: 8 CFR 245 a.2(b)(8)

Legal Deadline: None.

Abstract: This regulation amends Sec. 245a.2(b)(8) by replacing existing language with new language addressing alien entry after January 1, 1982.

Timetable:

Action	Date	FR Cite
ANPRM	01/20/87	52 FR 2115
NPRM	03/19/87	52 FR 8752
NPRM Comment Period End	04/20/87	52 FR 8752
Final Action	05/01/87	52 FR 16205
Final Action Effective	05/01/87	52 FR 16205

Small Entity: No

Agency Contact: Terrance O'Reilly, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, **202 633-4657**

RIN: 1115-AA77

1427. ● APPLICATION FOR CERTIFICATE OF CITIZENSHIP, FORM AND FEE CANCELLATION

Legal Authority: 66 Stat. 173; 66 Stat. 290; 8 USC 1103; 31 USC 483a

CFR Citation: 8 CFR 101; 8 CFR 341

Legal Deadline: Statutory, June 26, 1987. Effective date of rule.

Abstract: This final rule amends Form N-400, Application to File Petition for Naturalization, instructions, and the fee schedule of the Immigration and Naturalization Service. This change will cancel Form N-604, Application for a Certificate of Citizenship (made on Form N-400), to be replaced by Form N-600, Application for Certificate of Citizenship.

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19718

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115-AA78

1428. ● RELATIONSHIP BY ADOPTION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: Statutory, November 14, 1986.

Abstract: The Immigration and Nationality Act Amendments of 1986, Public Law 99-653, became effective November 14, 1986, and changes the legal custody requirement of section 101(b)(1)(E) of the Act. The amendment retains the two-year requirement for legal custody; however, instead of measuring the two-year requirement of legal custody from the date of the adoption decree as with the previous law, the requirement is now computed from the date the adopting parent(s) was first awarded legal custody of the child. This change will facilitate meeting of two-year legal custody requirement by children who have been residing in the legal custody of the adopting parents, but whose adoptions have not been finalized until the latter stages of the pre-immigration relationship. This problem was inherent in the old law because the legal custody time did not begin to toll until the child had been adopted.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/14/86	52 FR 16233
Final Action	05/04/87	52 FR 16233

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Jeffrey D. Trecartin, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115-AA79

1429. ● DEFINITIONS

Legal Authority: 66 Stat. 173; 8 USC 1103; 28 USC 509; 28 USC 510; 5 USC 301

CFR Citation: 8 CFR 1

Legal Deadline: None.

Abstract: The Immigration and Naturalization Service entertains numerous applications, petitions, motions and appeals from individuals seeking benefits under the Immigration and Nationality Act, many of which require that the moving party take action within a certain number of days of a particular event. The current regulations do not make provisions for situations in which the final day falls on a Saturday, even though Service offices are generally not open for business on Saturdays and a moving party would not normally be able to take the required action on that day. The proposed rulemaking would extend the period for taking action until the end of the next business day when the final day falls on a Saturday.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19733
NPRM Comment Period End	06/26/87	52 FR 19733
Withdrawn	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115-AA82

1430. ● PUBLIC NOTICE TO TRANSPORTATION CARRIERS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229

CFR Citation: 8 CFR 231.2

Legal Deadline: None.

Abstract: On December 19, 1986, an INS Task Force was empaneled to review the Transit Without Visa (TWOV) process as a result of a significant rise in the number of complaints from the transportation carriers regarding inaccurate billings for TWOV liquidated damages. Based upon the Task Force's findings of major administrative problems in the TWOV process on the part of both the Service and the carriers, notice is hereby given to all transportation carriers signatory to a Transit Without Visa Agreement, INS Form I-426, that: (1) effective May 27, 1987, a moratorium has been declared on any unresolved notice letters and unresolved bills to the carriers regarding TWOV liquidated damages and (2) October 1, 1987, is the scheduled target date for implementation of the revised TWOV program. The new TWOV process will serve to streamline processing, yield efficiency in operations, and enhance the enforcement of the TWOV contract.

Timetable:

Action	Date	FR Cite
Public Notice	10/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Kathryn E. Sheehan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 202 633-2725

RIN: 1115-AA84

1431. ● IMMIGRATION REFORM AND CONTROL ACT; NOTICE TO EMPLOYERS AND PERSONS DESIRING WORK AUTHORIZATIONS

Legal Authority: PL 99-603

CFR Citation: 8 CFR 210(d)(1); 8 CFR 245A(e)(1)

Legal Deadline: Statutory, 06/01/87 and 05/05/87

Abstract: The purpose of this notice is to provide information for employers about the New Immigration Law and also information to persons interested in obtaining employment authorization. In addition, pursuant to the Court's direction in a proposed stipulated dismissal of the work authorization claims in the case of Catholic Social Services, Inc., et al. v. Edwin Meese, III, Civil No. S-86-1343-LKK (Eastern District of Columbia), this notice as part of the FEDERAL REGISTER publication of an employer brochure, described in the stipulated dismissal, is intended to constitute notice to the class, as later defined, of the proposed dismissal with prejudice of the classwide work authorization claims.

Timetable:

Action	Date	FR Cite
Informational Notice	04/09/87	52 FR 11567

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Agency Contact: Esmeralda Cabrera, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 202 633-2895

RIN: 1115-AA85

1432. ● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1182b; 8 USC 1182c; 8 USC 1228

CFR Citation: 8 CFR 212

Legal Deadline: None.

Abstract: This final rule provides for the approval of applications pursuant to 212(c) of the Immigration and Nationality Act for certain aliens who wish to depart from the United States and later return to their unrelinquished domicile in the United States. The approval would be in effect only for the specific grounds of exclusion and/or deportation described in the application for which relief is granted. This modification is intended to reduce the paperwork burden for frequent travelers and the Service.

Timetable:

Action	Date	FR Cite
Final Action	04/10/87	52 FR 11620

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Margaret M. Smitherman, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-3320

RIN: 1115-AA86

1433. ● CONTRACTS WITH TRANSPORTATION LINES

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 238.3

Legal Deadline: None.

Abstract: This rule removes Sylvester Marine, Inc., and adds Antone Sylvester Tug Service, Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This action is necessary to publish and record approved transportation line contracts to make this information available to the public. This action will allow the line to begin the services agreed to in the contract.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/02/87	52 FR 26945
Final Action	07/17/87	52 FR 26945

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Janet M. Charney, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 202 633-2694

RIN: 1115-AA89

1434. ● CONTRACTS WITH TRANSPORTATION LINES; ADDITION OF CONTINENTAL AIRLINES

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 238

Legal Deadline: None.

Abstract: This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crew at locations outside the United States by adding the name of Continental Airlines.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/27/87	52 FR 26944
Final Action	07/17/87	52 FR 26944

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Janet M. Charney, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 202 633-2694

RIN: 1115-AA90

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1435. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None.

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	04/15/88	
NPRM Comment Period End	07/15/88	
Final Action	09/15/88	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Legal Activities, 633 Indiana Ave., NW, Room 1268, Washington, DC 20531, 202 724-7792

RIN: 1105-AA05

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1436. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3789(g) (c) and (d)

CFR Citation: 28 CFR 23

Legal Deadline: None.

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, Pub. L. 98-473, and clarification of policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	
NPRM Comment Period End	02/15/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0

Government Levels Affected: Local, State

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Rm. 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121-AA12

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1437. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.301

Legal Deadline: None.

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title IV of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	10/15/87	

Small Entity: No

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121-AA10

1438. NONDISCRIMINATION IN FEDERAL ASSISTED PROGRAMS -- IMPLEMENTATION OF SECTION 809 (C) (1) OF THE JUSTICE ASSISTANCE ACT OF 1984

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.201

Legal Deadline: None.

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	10/15/87	

Small Entity: No

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121-AA11

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federal register

Monday
October 26, 1987

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between October 1987 and October 1988.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the Agency Contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the Unified Agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in April 1988.

William E. Brock,

Secretary of Labor.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1439	Right to Financial Privacy Act	1290-AA05
1440	Implementation of the Program Fraud Civil Remedies Act	1290-AA07

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1441	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09

DOL

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1442	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1443	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1444	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
1445	Employment of Handicapped Workers Under Special Certificates	1215-AA34
1446	Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts (ESA/W-H)	1215-AA35

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1447	Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/WH)	1215-AA07
1448	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33
1449	Employment of Homeworkers in Certain Industries	1215-AA36
1450	Claims for Compensation Under the War Hazards Compensation Act	1215-AA42
1451	Labor Standards for Foreign Agricultural Workers	1215-AA43
1452	Migrant and Seasonal Agricultural Worker Protection	1215-AA44

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1453	Black Lung: Obligations of Lessors for Claims for Benefits (ESA/OWCP)	1215-AA03
1454	Records to be Kept by Employers (ESA/W-H)	1215-AA22

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1455	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
1456	Disaster Unemployment Assistance Program (DUA)	1205-AA50

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1457	Airline Deregulation: Employee Benefit Program	1205-AA07
1458	Limitations on Tax Credit Reductions and Interest on Advances to States	1205-AA14
1459	Unemployment Compensation for Ex-Servicemembers	1205-AA26
1460	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43
1461	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1462	Trade Adjustment Assistance for Workers	1205-AA61
1463	Labor Surplus Area Program Population Criteria Change as Revised by PL 99-272	1205-AA62
1464	Refocus of the Public Employment Service	1205-AA63
1465	Income and Eligibility Verification System	1205-AA64

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Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1466	Federal-State Extended Unemployment Compensation Act of 1970	1205-AA15
1467	Senior Community Service Employment Program	1205-AA29
1468	Administrative Procedure	1205-AA46
1469	Job Training Partnership Act Audits	1205-AA53
1470	Preference in Federal Procurement For Labor Surplus Areas Under Executive Orders 12073 and 10582	1205-AA55
1471	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: The H-2A Program	1205-AA59
1472	Implementation of Job Training Partnership Act Amendments of 1986	1205-AA60

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1473	Unemployment Insurance Quality Control Program	1205-AA28
1474	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA33
1475	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Montana Adverse Effect Wage Rate	1205-AA48
1476	Review SESA Administrative Financing System	1205-AA51
1477	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Adverse Effect Wage Rates for Idaho and Oregon	1205-AA52
1478	Labor Certification Process for Permanent Employment of Aliens in the United States; Establishment of Board of Alien Labor Certification Appeals	1205-AA57
1479	Certification of Eligibility to Apply for Worker Adjustment Assistance	1205-AA58

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1480	Participant Directed Individual Account Plans	1210-AA08
1481	Loans to Participants	1210-AA09
1482	Adequate Consideration	1210-AA15
1483	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1484	Top Hat Plans	1210-AA21
1485	Proposed Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25
1486	Prohibited Transaction Exemption Procedures	1210-AA26
1487	Amount Of Bond For FERS Thrift Savings Fund	1210-AA28

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1488	Individual Benefit Reporting - Recordkeeping - Multiple Employer Plans	1210-AA02
1489	Individual Benefit Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1490	Definition of Plan Assets -- Employee Contributions	1210-AA16
1491	Procedures for Administrative Imposition of Civil Sanctions	1210-AA20
1492	Adoption of Temporary Bonding Regulations Under ERISA Section 412 for Purposes Of FERSA Section 8478	1210-AA29

DOL

Office of Labor Management Standards—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1493	General Statement Concerning the Election Provisions of the Labor-Management Reporting and Disclosure Act of 1959 Characteristics of Candidates	1294-AA02

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1494	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1495	Surface Coal Mine Electrical Standards	1219-AA32
1496	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33
1497	Automatic Brakes on Self-Propelled Electric Face Equipment	1219-AA39
1498	Coal Air Quality	1219-AA41

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1499	Pattern of Violations	1219-AA04
1500	Underground Coal Mine Electrical Standards	1219-AA10
1501	Underground Coal Mine Ventilation	1219-AA11
1502	Review of Metal and Nonmetal Electrical Standards	1219-AA14
1503	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1504	Metal and Nonmetal Air Quality Standards	1219-AA21
1505	Mine Plan Approvals	1219-AA26
1506	Certification and Qualification of Persons	1219-AA36
1507	Escapeways and Escape Facilities	1219-AA37
1508	Automatic Warning Devices for Mobile Equipment	1219-AA38
1509	Electric Mine Lamps Other Than Standard Cap Lamps	1219-AA40
1510	Multiple-Shot Blasting Units	1219-AA42

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1511	Procedures for Approval of Mining Equipment	1219-AA06
1512	Underground Coal Mine Roof Control	1219-AA13
1513	Explosives and Blasting in Underground Coal Mines	1219-AA16
1514	Safety Standards for Loading, Hauling and Dumping at Metal and Nonmetal Mines	1219-AA18
1515	Safety Standards for Machinery and Equipment at Metal and Nonmetal Mines	1219-AA19
1516	Approval Requirements for Explosives and Sheathed Explosive Units	1219-AA23
1517	Metal and Nonmetal Radiation Standards	1219-AA28
1518	Approval Criteria for Respiratory Protective Devices	1219-AA30
1519	Hands-on Training in SCSR's	1219-AA43

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Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1520	Review of Self-Contained Self Rescue Devices (SCSR) Standards Applicable to Coal Mining	1219-AA08
1521	Review of Hoisting and Transportation of Persons and Material Standards Applicable to Coal Mining	1219-AA12
1522	Metal and Nonmetal Gassy Mines	1219-AA15
1523	Updating Fees Associated with Equipment Approvals	1219-AA29

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1524	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02
1525	Guidelines for Nonprocurement Suspension and Debarment	1291-AA11

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1526	Department of Labor Acquisition Regulation (DOLAR) Implementation of Competition in Contracting Act of 1984 (CICA) (Pub. L. 98-369) into DOLAR	1291-AA06
1527	Public Contracts and Property Management; Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements	1291-AA10

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1528	Manual Lifting (Parts 1910, 1915, 1917, 1918, 1919, 1926 and 1928)	1218-AA95
1529	Gear Certification (Part 1919)	1218-AA97
1530	Bloodborne Infectious Diseases	1218-AB15

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1531	Carcinogen Policy	1218-AA01
1532	Ethylene Oxide	1218-AA03
1533	Respiratory Protection	1218-AA05
1534	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
1535	Methods of Compliance	1218-AA28
1536	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1537	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1538	Excavations (Part 1926)	1218-AA36
1539	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1540	Confined Space (Part 1910)	1218-AA51
1541	Logging (Part 1910)	1218-AA52
1542	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910)	1218-AA53
1543	Safety and Health Regulations for Longshoring (Part 1918)	1218-AA56
1544	4,4'-Methylenedianiline	1218-AA58
1545	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1546	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61

DOL

Occupational Safety and Health Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1547	Motor Vehicles, Mechanized Equipment, and Marine Operations (Part 1926)	1218-AA63
1548	Steel Erection (Part 1926)	1218-AA65
1549	Fall Protection (Part 1915)	1218-AA66
1550	Scaffolds (Part 1915)	1218-AA68
1551	Access and Egress (Part 1915)	1218-AA70
1552	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1553	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1554	Welding, Cutting and Heating (Part 1915)	1218-AA73
1555	Personal Protective Equipment (Part 1915)	1218-AA74
1556	Compressed Air (Part 1926)	1218-AA76
1557	1,3-Butadiene	1218-AA83
1558	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates	1218-AA84
1559	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1560	Surface Preparation and Preservation (Part 1915)	1218-AA96
1561	Methylene Chloride	1218-AA98
1562	Walking and Working Surfaces (Part 1910)	1218-AB04
1563	Hazardous Waste Operations and Emergency Response (Part 1910)	1218-AB13
1564	Cadmium	1218-AB16
1565	Permissible Exposure Limit Update	1218-AB17
1566	Hazardous Materials (Part 1910)	1218-AB20

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1567	Occupational Exposures to Toxic Substances in Laboratories	1218-AA00
1568	Ethylene Dibromide (EDB)	1218-AA06
1569	Access to Employee Exposure and Medical Records	1218-AA15
1570	Concrete and Masonry Construction (Part 1926)	1218-AA20
1571	Grain Handling Facilities (Parts 1910 and 1917)	1218-AA22
1572	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1573	Fall Protection (Part 1926)	1218-AA37
1574	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1575	Scaffolds (Part 1926)	1218-AA40
1576	Safety Testing/Certification (Part 1910)	1218-AA42
1577	Crane or Derrick Suspended Platforms (Part 1926)	1218-AA45
1578	Benzene	1218-AA47
1579	Presence Sensing Device Initiation of Mechanical Power Presses (Part 1910)	1218-AA54
1580	Stairways and Ladders (Part 1926)	1218-AA57
1581	Formaldehyde	1218-AA82
1582	Lead (Reconsideration of the Feasibility of Compliance in Nine Industry Sectors)	1218-AB18

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1583	Hazardous Materials--Flammable and Compressed Gases (Part 1910)	1218-AA31
1584	Scaffolds and Similar Work Surfaces (Part 1910)	1218-AA46
1585	Ladders and Similar Climbing Devices (Part 1910)	1218-AA50
1586	Servicing Single Piece Rim Wheels (Part 1917)	1218-AA75
1587	Hazardous Materials--Flammable and Combustible Liquids (Part 1910)	1218-AA77
1588	Hazard Communication in Shipyard Employment (Part 1915)	1218-AA88
1589	Hazard Communication	1218-AB02
1590	Revision of Telecommunications Training Records (Part 1910)	1218-AB07
1591	Revision of Construction Industry Test and Inspection Records (Part 1926)	1218-AB12

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Final Rule Stage

1439. RIGHT TO FINANCIAL PRIVACY ACT

Legal Authority: 12 USC 3401 et seq Right to Financial Privacy Act of 1978

CFR Citation: 29 CFR 19, (New)

Legal Deadline: None.

Abstract: These proposed regulations would authorize Department of Labor units to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These proposed regulations would thus, once implemented, enable Department of Labor units to utilize the formal written request procedure to obtain financial records.

Timetable:

Action	Date	FR Cite
NPRM	04/02/85	50 FR 13049
NPRM Comment Period End	05/02/85	50 FR 13049
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Agency Contact: Seth D. Zinman, Associate Solicitor, for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N2428, FPBldg., Washington, DC 20210, **202 523-8201**

RIN: 1290-AA05

1440. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT

Significance: Agency Priority

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 29 CFR 22

Legal Deadline: Statutory, April 21, 1987. The Act requires agencies to have implementing regulations within 180 days of the passage of the statute.

Abstract: This regulation will implement the Program Fraud Civil Remedies Act of 1986 (PL 99-509, Secs. 6101 to 6104). Specifically, this part will (i) establish administrative procedures for imposing civil remedies and assessment against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and (ii) specify the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

Timetable:

Action	Date	FR Cite
NPRM	06/02/87	52 FR 20606
NPRM Comment Period End	07/02/87	52 FR 20606
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: Undetermined

Agency Contact: Seth D. Zinman, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, Office of the Solicitor, 200 Constitution Avenue, NW RM N2428, Washington, DC 20210, 202 **523-8201**

RIN: 1290-AA07

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Prerule Stage

1441. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors between 16 and 18 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of these regulations. In order to increase job opportunities for such minors, while maintaining essential protection for their well-being, modifications to these regulations may be needed. The Department will establish a Child (cont)

Timetable:

Action	Date	FR Cite
Establish Child Labor Advisory Committee	11/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee will be given careful consideration in the review of these regulations.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215-AA09

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Proposed Rule Stage

1442. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: Statutory, October 1, 1983. Rules implementing Section 481 of the 1982 JTPA (29 USC 1781) are required to be published under the Act. The operational aspects of such rules need to be coordinated with the pending revisions discussed above, which has resulted in a delay.

Abstract: These provisions contain OFCCP's rules covering nondiscrimination and affirmative action obligations of Federal contractors under EO 11246, 38 USC 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and Sec. 503 of the Rehabilitation Act of 1973. The rule would be revised to make them more cost effective, reduce paperwork burdens and assure that contractors hire the best qualified person regardless of race, color, religion, sex, or national origin. Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed and reviewed in accordance with the President's Executive Order 12291 of 02/17/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal further suspended the effective date of the 12/30/80 regulation, and proposed revision of that regulation. A supplemental proposal (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & Suspend Eff Date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM Comment Period End	05/24/82	
NPRM (Section 481, 29 USC 1781)	12/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: was published 04/23/82 (47 FR 17770). A final rule will be forwarded to OMB for review and publication in the Federal Register by September 1987. In addition, in accordance with Section 481 of the Job Training Partnership Act of 1982 (JTPA), a Notice of Proposed Rulemaking, to permit Federal contractors to meet their Executive Order affirmative action obligations through approved JTPA programs, will be forwarded to OMB for review and publication in the Federal Register by September 1987.

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, 202 523-9475

RIN: 1215-AA01

1443. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None.

Abstract: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the 1980 amendments to the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing employment under Section 504 of the Rehabilitation Act. The provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968). A final rule incorporating only the statutory changes to the definition of "Veteran of the Vietnam Era" was published in the Federal Register on August 26, 1986 (51 FR 30467).

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, 202 523-9475

RIN: 1215-AA02

1444. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None.

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to

include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal to Suspend Rule Indefinitely	03/27/81	46 FR 18998
Comments Due on Suspension Proposal	04/28/81	
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period from 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM	12/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86. Action on this regulation was delayed due to other regulatory priorities.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8305**

RIN: 1215-AA14

1445. EMPLOYMENT OF HANDICAPPED WORKERS UNDER SPECIAL CERTIFICATES

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 524; 29 CFR 525; 29 CFR 529

Legal Deadline: None.

Abstract: These regulations establish the terms and conditions, pursuant to section 14(c) of the Fair Labor Standards Act (FLSA), under which handicapped workers may be employed, under certificate, at wage rates less than those otherwise required by statute. The 1986 Amendments to the FLSA substantially revised section 14(c) to simplify worker certification by eliminating separate certification for more productive workers, multiple handicapped individuals, and those in evaluation or training and work activities centers. Three affected regulations (29 CFR 524, 525 and 529) will be combined into a single proposed new rule which will be published for public comments.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	04/00/88	

Small Entity: Yes

Agency Contact: Paula V. Smith, Administator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8305**

RIN: 1215-AA34

1446. LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 20 USC 954(i) to (j); 20 USC 956 (g)

CFR Citation: 29 CFR 505

Legal Deadline: Statutory, June 18, 1986.

Abstract: The National Foundation on the Arts and Humanities Act of 1965, as amended in 1976, requires the Secretary to determine the prevailing minimum compensation for professional performers and related or supporting professional personnel employed on projects or productions assisted by grants from the National Endowment for the Arts and the National Endowment for the Humanities. As originally enacted, these labor standards only applied to the Arts; the existing regulations do not reflect the amendments which applied the same labor standards to the Humanities. The Arts, Humanities, and Museums Amendments of 1985, which were enacted on December 20, 1985, require the Secretary of Labor to issue regulations to assure that prevailing minimum compensation is provided to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part by the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35447
NPRM Comment Period End	10/21/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8305**

RIN: 1215-AA35

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Final Rule Stage

1447. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/WH)

Significance: Regulatory Program

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 5 USC Appendix Reorganization Plan No. 14 of 1950; 29 USC 25a

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None.

Abstract: These regulations govern labor standards applicable to federally funded or assisted construction contracts subject to the Davis- Bacon and Related Acts (as well as contracts subject to the Contract Work Hours and Safety Standards Act). The Department plans to implement provisions in these regulations that would permit contractors to expand their use of semi-skilled "helpers" on Davis-Bacon covered projects at wages lower than those paid to skilled journeymen. Revised final rules were originally published 05/28/82 (47 FR 23658), but were deferred on 07/26/82 (47 FR 32070) due to an injunction issued by the U.S. District Court. Although the U.S. Court of Appeals for the D.C.

Circuit has since upheld most of the key provisions published in 1982, the district court injunction remains in effect against certain provisions dealing with helpers. The Department intends to implement the helper provisions in accordance with the decisions of the district and appeals courts.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31366
Final Action	04/00/88	

Small Entity: Yes

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215-AA07

1448. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Legal Authority: 41 USC 38

CFR Citation: 41 CFR 50-201.101(b)(6); 41 CFR 50-201.1201

Legal Deadline: None.

Abstract: The proposed rule would revise the role of the Small Business Administration (SBA) in determining a small business concern's eligibility as a "manufacturer" or "regular dealer" under the Walsh-Healey Public Contracts Act (PCA). Current procedures for small businesses require SBA review of all contracting agency findings of ineligibility, as well as all protests which challenge an agency's findings of eligibility. SBA did not have an opportunity to comment when the current rules were first adopted following enactment of the 1977 Amendments to the Small Business Act (P.L. 95-89, 91 Stat. 561 (15 USC 637(b)(7)(B)). SBA believes its review authority under the Act is restricted to only executive branch agency findings of noneligibility under PCA, and has requested revisions to the regulations which would eliminate SBA review in protest cases which challenge an agency's findings that a small business is eligible for award. Additional revisions requested by SBA would streamline the processing of cases between SBA and Wage Hour. An additional procedural change, which was published separately as a Final Rule on 03/02/87 (cont)

Timetable:

Action	Date	FR Cite
Final Action Discontinuance of reporting requirements	03/02/87	52 FR 6146
NPRM	03/13/87	52 FR 7892
NPRM Comment Period End	05/12/87	
Final Action	11/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: (52 FR 6146) discontinued the reporting requirement for federal contracting agencies to submit Standard Form (SF) 99, Notice of Award of Contract, to the Wage and Hour Division for contracts subject to the Walsh-Healey Public Contracts Act (PCA). A similar rule change was promulgated under the Service Contract Act (SCA) regulations (29 CFR 4.8) published October 27, 1983 (48 FR 49770). The reduced administrative burden for the affected procurement agencies resulting from the rule change under both SCA and PCA is expected to produce estimated annual cost savings governmentwide of nearly $410,000, the majority of which is attributable to PCA contract awards.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room S-3502, FP Building, Washington, DC 20210, **202 523-8305**

RIN: 1215-AA33

1449. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None.

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department 11/9/81 following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84 the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed recission, the Department sought comments on various alternatives to such action (49 FR 11786). On November 5, 1984, a final rule was published lifting the ban on homework for employers (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	12/04/86	51 FR 37298
Final Action	04/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, the Department is proposing to rescind the remaining restrictions in the other industries for employers who currently obtain certificates. A Notice of Proposed Rulemaking was published on August 21, 1986 (51 FR 30036). A notice extending the comment period to December 4, 1986 was published on October 21, 1986 (51 FR 37298).

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215-AA36

1450. CLAIMS FOR COMPENSATION UNDER THE WAR HAZARDS COMPENSATION ACT

Significance: Agency Priority

Legal Authority: 42 USC 1701 et seq

CFR Citation: 20 CFR 61; 20 CFR 62

DOL—ESA

Final Rule Stage

Legal Deadline: None.

Abstract: The War Hazards Compensation Act regulations are being reviewed to determine whether modifications should be proposed to (1) reflect amendments made to the Act which replaced the World War II frame of reference in the Act with language applicable to the current and future conditions faced by employees of contractors working in hazardous overseas locations; (2) simplify and clarify the requirements for filing a claim under the Act; (3) remove unnecessary and repetitious sections in the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20536
NPRM Comment Period End	08/19/87	52 FR 27417
Final Action	12/00/87	
Final Action Effective	12/00/87	

Small Entity: Not Applicable

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees', Compensation, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3229 - FPBldg., Washington, DC 20210, 202 523-7522

RIN: 1215-AA42

1451. LABOR STANDARDS FOR FOREIGN AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration will issue regulations that incorporate the labor standards issued by the Employment and Training Administration and set forth procedures for enforcement of these labor standards.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502. FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA43

1452. MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

Significance: Agency Priority

Legal Authority: 29 USC 1801 to 1872; PL 99-603

CFR Citation: 29 CFR 500

Legal Deadline: Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 amended the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) in a number of areas concerning the recruitment and employment of illegal aliens. Certain changes to the existing MSPA regulations are needed to conform them to the amended Act. These statutory changes became effective June 1, 1987. In addition, minor clarifying changes will be made in certain definitions in the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16859
NPRM Comment Period End	06/05/87	52 FR 16859
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA44

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Completed Actions

1453. BLACK LUNG: OBLIGATIONS OF LESSORS FOR CLAIMS FOR BENEFITS (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 725.491(b)(2)

Legal Deadline: None.

Abstract: The intent of this proposal was to make explicit the Department's policy that a lessor of a coal mine, who had never actually operated such a mine, would not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility. However, serious questions concerning the approach taken in the notice of proposed rulemaking have arisen. After review of the comments received in response to the proposed rule and review of the Department's experience during the intervening period under the current rule, it has been decided that the current practices and policy of making such determinations of liability on the facts of each individual case have served the Department well and that no change in the regulation or that policy will be implemented at this time. The Department will, however, continue to monitor the situation to ascertain whether the initiation of any additional rulemaking is necessary. The proposed rule is withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8570
NPRM Comment Period End	03/30/81	46 FR 8570
Withdrawn	07/14/87	52 FR 26352

Small Entity: Undetermined

Agency Contact: James DeMarce, Associate Director, Office of Workers', Compensation Programs, Department of Labor, Employment Standards Administration, Rm C3520, FPBldg., 200

DOL—ESA

Completed Actions

Constitution Ave., NW, Washington, DC 20210, 202 523-6692

RIN: 1215-AA03

1454. RECORDS TO BE KEPT BY EMPLOYERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Legal Deadline: None.

Abstract: Revisions to these regulations have been made to reflect the repeal or modification of certain minimum wage and overtime exemptions by the 1974 and 1977 amendments to the Fair Labor Standards Act, and to simplify regulatory language.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32744
NPRM Comment Period End	11/14/86	
Final Action	07/01/87	52 FR 24894
Final Action Effective	07/31/87	52 FR 24894

Small Entity: Yes

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA22

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Prerule Stage

1455. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None.

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/88	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 202103, 202 535-0163

RIN: 1205-AA37

1456. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Agency Priority

Legal Authority: 42 USC 5177

CFR Citation: 20 CFR 625, (Revision)

Legal Deadline: None.

Abstract: A few technical amendments are necessary to update the DUA Final Regulations which were published September 26, 1977. A clarification is needed on the administration of DUA in the Virgin Islands. Also, the Canal Zone should be deleted from the eligible "States." The formula for computing DUA weekly benefit amounts needs to be simplified. The first week of DUA payable needs to be clarified and the appropriate share of Federal-State costs needs to be determined.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Disaster Relief Act was not amended, therefore, no need to revise regulations. Significance policy decisions were put on hold that would have required changes.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205-AA50

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

1457. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 638

Legal Deadline: None.

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was

unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the (Cont'd)

Timetable:

Action	Date	FR Cite
NPRMPrevious	03/30/79	44 FR 19146
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	08/00/88	

Small Entity: No

Additional Information: ABSTRACT (CONT'D): monetary benefit aspects of the employee protection provisions.

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, **202 535-0309**

RIN: 1205-AA07

1458. LIMITATIONS ON TAX CREDIT REDUCTIONS AND INTEREST ON ADVANCES TO STATES

Significance: Regulatory Program

Legal Authority: 26 USC 3302; 42 USC 1302; PL 97-35, Sec 2408

CFR Citation: 20 CFR 606, (New)

Legal Deadline: None.

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	04/00/88	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: James Manning, Chief, Division of Actuarial Services, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm S4519, FPBldg., Washington, DC 20210, **202 535-0640**

RIN: 1205-AA14

1459. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 8508; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Legal Deadline: None.

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. The proposed regulations would implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	12/00/87	
Final Action	06/00/88	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, **202 535-0309**

RIN: 1205-AA26

1460. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None.

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Limiting the scope of the regulation to areas involving compliance with Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other dispositions, and reduced usage of property acquired with Reed Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	04/00/88	
Final Action Effective	07/00/88	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Affected Sectors: 94 Administration of Human Resource Programs

Government Levels Affected: State, Federal

Agency Contact: David Henson, Chief, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C5317, FPBldg., Washington, DC 20210, **202 535-8762**

RIN: 1205-AA43

DOL—ETA

Proposed Rule Stage

1461. JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None.

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	03/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4508, FPBldg., Washington, DC 20210, 202 535-0550

RIN: 1205-AA54

1462. ● TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-292 Consolidated Omnibus Budget Reconciliation Act (1985)

CFR Citation: 20 CFR 617

Legal Deadline: None.

Abstract: These regulations implement PL 99-272, enacted on April 7, 1986, which amended the trade adjustment assistance provisions of the Trade Act of 1974, by extending the program for six (6) years to September 30, 1991; requiring participation in a job search program, where reasonably available, as a condition for receiving TRA payments; changing the number of weeks of employer authorized leave credited to satisfy the 26 weeks of employment in the last 52 weeks to qualify for TRA; extending the period to receiving basic TRA from 52 weeks to 104 weeks (no increase in the number of weeks payable); and making other changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade, Adjustment Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, 202 376-2646

RIN: 1205-AA61

1463. LABOR SURPLUS AREA PROGRAM POPULATION CRITERIA CHANGE AS REVISED BY PL 99-272

Significance: Agency Priority

Legal Authority: EO 12073; EO 10582; PL 95-89; PL 96-302; PL 99-272

CFR Citation: 20 CFR 654

Legal Deadline: Statutory, July 7, 1986.

Abstract: The Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) Section 18003 amended the Small Business Act to require the Secretary of Labor to reduce the population criteria for labor surplus areas from fifty-thousand to twenty-five thousand. Section 18003 of Public Law 99-272 became effective on July 7, 1986. The Department of Labor is in the process of implementing the new requirements of the Law but such data did not exist for such areas on a monthly basis at the time Public Law 99-272 was enacted. Implementation has, therefore, been hampered while the data for hundreds of areas were being developed on a monthly basis going back to January 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	04/00/88	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Rm N4456, FPBldg., Washington, DC 20210, 202 535-0192

RIN: 1205-AA62

1464. REFOCUS OF THE PUBLIC EMPLOYMENT SERVICE

Legal Authority: PL 97-300 Wagner-Peyser Act as amended by the JTPA

CFR Citation: 20 CFR 652; 20 CFR 653

Legal Deadline: None.

Abstract: In September 1986, the Department of Labor announced in the Federal Register its review of the public employment service, raising the concern of the employment service capability to meet the current and future labor market needs, particularly the labor market needs that will emerge in the year 2000. The announcement provided the public an opportunity to respond either orally at public meetings held in October, 1986 or in writing directly to the Department. The announcement described the concern of the questions concerning the purpose and role of the employment service. An analysis of the public response to the announcement, as well as other data available to the Department from other research, studies, and papers provides the basis for the Department to propose a refocus of the employment service to address current and emerging labor force trends. Regulations maybe proposed to the extent needed, to either implement any new legislation that may emerge or to achieve the new direction.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	01/00/88	
Final Action	05/00/88	

Small Entity: Undetermined

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0192

RIN: 1205-AA63

1465. ● INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 603, (Revision)

Legal Deadline: None.

DOL—ETA

Proposed Rule Stage

Abstract: Include the Federal Parent Locator Service as an agency that will participate in the State Income Eligibility Verification System.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	
NPRM Comment Period End	08/00/88	
Final Action	04/00/89	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205-AA64

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Final Rule Stage

1466. FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

Significance: Regulatory Program

Legal Authority: 26 USC 3304 Note; 42 USC 1302

CFR Citation: 20 CFR 615

Legal Deadline: None.

Abstract: These regulations would be amended to implement various statutory amendments of 1980, 1981, 1982, and 1983 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work or refuse to accept an offer of suitable work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	10/24/86	51 FR 37741
NPRM Comment Period End	11/24/86	51 FR 37741
Final Action	11/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205-AA15

1467. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 3056 et seq, Older Americans Community Svcs Employ Act

CFR Citation: 20 CFR 674

Legal Deadline: Statutory, May 8, 1985. P.L. 98-459, Section 205(c)

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Program. These changes will not create new cost nor materially change the existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	00/00/00	

Small Entity: No

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted, Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4641, FPBldg., Washington, DC 20210, 202 535-0500

RIN: 1205-AA29

1468. ADMINISTRATIVE PROCEDURE

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 601.9, (Revision)

Legal Deadline: None.

Abstract: The regulation will provide States with administrative appeal rights before the Office of Administrative Law Judges for final determinations disallowing costs or imposing corrective actions as a result of all audits in the Federal-State unemployment compensation program and related Federal unemployment benefit and allowance programs. Currently, no such appeal rights exist and if a State seeks review of one of the above actions the only appeal forum is the Federal Court. Provision of these appeal rights before the Office of Administrative Law Judges should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with the Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulation will also correct what is perceived as an inequity, since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 20991
NPRM Comment Period End	07/10/86	51 FR 20991
Final Action	10/00/87	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment

and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Government Levels Affected: State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0704

RIN: 1205-AA46

1469. JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None.

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: David O. Williams, Administrator, Office of Financial and, Administrative Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0690

RIN: 1205-AA53

1470. PREFERENCE IN FEDERAL PROCUREMENT FOR LABOR SURPLUS AREAS UNDER EXECUTIVE ORDERS 12073 AND 10582

Significance: Regulatory Program

Legal Authority: EO 12073; EO 10582

CFR Citation: 20 CFR 654.5(b)

Legal Deadline: None.

Abstract: Currently the Department of Labor only classifies civil jurisdictions (counties, cities over 50,000 population as well as townships and towns in certain selected States) as labor surplus areas. This policy has resulted in some employment centers in the nation's large metropolitan areas not being classified as labor surplus areas, even though the entire Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas would meet the labor surplus area criteria if such geographic areas were classified. The proposed rule would grant the Assistant Secretary for Employment and Training the authority to classify Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas as labor surplus areas to help alleviate unemployment in these areas. The change will add some additional labor surplus areas to the current list but it will not increase the funds going to such designated areas.

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26555
NPRM Comment Period End	08/25/86	51 FR 26555
Final Action	11/00/87	

Small Entity: No

Agency Contact: Robert A. Schaerfl, Director, United States Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4470 FPBldg., Washington, DC 20210, 202 535-0157

RIN: 1205-AA55

1471. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: THE H-2A PROGRAM

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a)

CFR Citation: 20 CFR 655

Legal Deadline: Statutory, June 1, 1987.

Abstract: The regulation will implement the new H-2A program created by the Immigration Reform and Control Act of 1986 (IRCA). IRCA established H-2A as a new nonimmigrant subcategory for the admission of Foreign Temporary Agricultural Workers.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16770
NPRM Comment Period End	05/05/87	52 FR 16770
Interim Final Rule	06/01/87	52 FR 20496
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0153

RIN: 1205-AA59

1472. IMPLEMENTATION OF JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1986

Significance: Regulatory Program

Legal Authority: JTPA Amendments of 1986

CFR Citation: 20 CFR 626, (Revision); 20 CFR 627, (Revision); 20 CFR 628, (Revision); 20 CFR 629, (Revision); 20 CFR 630, (Revision); 20 CFR 631, (Revision)

Legal Deadline: None.

Abstract: Issue regulations to implement those provisions of the 1986 amendments requiring regulatory revision. These include: (1) clarification on the use of six percent funds for technical assistance and post-program data collection; (2) clarification of the requirements for summer program plans and their approval/ disapproval; and (3) Title III eligibility criteria. Further, in areas not related to the JTPA Amendments, the Department intends to propose rulemaking. This will be policy clarifications, technical corrections, or to address other policy areas in the regulations which have emerged as problems.

DOL—ETA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	01/16/87	52 FR 1932
ANPRM Comment Period End	02/17/87	52 FR 1932
NPRM	06/24/87	52 FR 23681
NPRM Comment Period End	07/24/87	52 FR 23681
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Robert N. Colombo, Director, Office of Employment and, Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4469, FPBldg., Washington, DC 20210, **202 535-0577**

RIN: 1205–AA60

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Completed Actions

1473. UNEMPLOYMENT INSURANCE QUALITY CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 503; 42 USC 1302

CFR Citation: 20 CFR 602

Legal Deadline: None.

Abstract: The establishment of a UI QC program is a major initiative to reduce administrative errors and abuse in the UI system. Reported error rates are 10 times lower than those found under the QC sampling methodology. A one percent reduction in the error rate could potentially translate to a savings of millions of dollars in the benefit payment process. Additional savings may be realized when the program is extended to the revenue function.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38083
ANPRM Comment Period End	10/26/84	49 FR 38083
NPRM	07/25/86	51 FR 26846
NPRM Comment Period End	08/25/86	51 FR 26846
Final Action	09/03/87	52 FR 33520
Final Action Effective	10/05/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Carolyn Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm S4231, FPBldg., Washington, DC 20210, **202 535-0600**

RIN: 1205–AA28

1474. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None.

Abstract: Physicians are currently on the Department's Schedule A precertification list if they are to be employed in a designated Health Manpower Shortage Area (HMSA) or an area which has an insufficient number of physicians as designated by the Public Health Service (PHS). The PHS has recommended removal of physicians from Schedule A, or in the alternative leave only those physicians on Schedule A that are to be employed in the HMSA's. According to the PHS: (1) neither Congress nor the Department of Health and Human Services recognizes the existence of a national shortage of physicians; (2) alien physicians after they are certified do not go to the HMSA's or the area with an insufficient number of physicians, or if they do go to these areas they leave shortly after starting work. Thus, the labor certification program has not had a significant effect in alleviating the shortage of physicians in the HMSA's or in the areas with an insufficient number of physicians. Consequently, ETA proposes to remove all physicians from Schedule A.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3192
Final Action	06/02/87	52 FR 20593
Final Action Effective	07/02/87	52 FR 20593

Small Entity: No

Affected Sectors: 80 Health Services; 82 Educational Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205–AA33

1475. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: MONTANA ADVERSE EFFECT WAGE RATE

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: Propose to add Montana to the list of States in which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50311
NPRM Comment Period End	01/09/86	50 FR 50311
Extension of Comment Period to 3/31/86	02/28/86	51 FR 7084
Incorporated with H-2 Regulations	06/01/87	52 FR 20496

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456 FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205-AA48

1476. REVIEW SESA ADMINISTRATIVE FINANCING SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 501 to 504; 42 USC 1302

CFR Citation: 20 CFR 601.6

Legal Deadline: None.

Abstract: States and other interested parties have questioned the adequacy of the existing method for financing and allocating SESA administrative resources in general and unemployment insurance (UI) administrative resources in particular. Problems identified include: (1) basis and methodology for allocating SESA administrative resources among States; (2) insufficient flexibility to meet State management needs; (3) excessive Federal intervention and prescription; (4) possible duplicative and unnecessary reporting requirements; (5) inadequate State accountability and authority; (6) disincentives for improving productivity; (7)inadequate resources for nonpersonal services. The framework for the basic UI system is outlined in the Social Security Act (SSA) and the Federal Unemployment Tax Act (FUTA). Title III of the SSA states that the Secretary of Labor shall provide the administrative funds needed by each State approved under FUTA for the proper and efficient administration of the UI program. A formal consultation process has been initiated to solicit public comments on problems and proposed (cont.)

Timetable:

Action	Date	FR Cite
Incorporated with Trade Act of 1987	08/05/87	

Small Entity: No

Additional Information: (ABSTRACT CONT:) changes to the current SESA administrative financial system. Planned changes will be announced upon completion of this review.

Government Levels Affected: State, Federal

Agency Contact: Carolyn M. Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm S4231, FPBldg., Washington, DC 20210, **202 535-0600**

RIN: 1205-AA51

1477. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: ADVERSE EFFECT WAGE RATES FOR IDAHO AND OREGON

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: Propose to add Idaho and Oregon to the list of States for which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	04/08/86	51 FR 11942
NPRM Comment Period End	05/08/86	51 FR 11942
Incorporated with H-2 Regulations	06/01/87	52 FR 20496

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205-AA52

1478. LABOR CERTIFICATION PROCESS FOR PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES; ESTABLISHMENT OF BOARD OF ALIEN LABOR CERTIFICATION APPEALS

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None.

Abstract: The Department of Labor proposes to revise the procedures for review of denials of certifications for the permanent employment of immigrant aliens in the United States. The revised procedures would establish a Board of Alien Labor Certification Appeals in the Office of Administrative Law Judges to hear and decide such appeals.

Timetable:

Action	Date	FR Cite
Final Action	04/08/87	52 FR 11217
Final Action Effective	05/08/87	52 FR 11217

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205-AA57

1479. CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Significance: Agency Priority

Legal Authority: 19 USC 2217 to 2322

CFR Citation: 29 CFR 90

Legal Deadline: None.

Abstract: The Department of Labor proposes to revise the regulations on certification of eligibility to apply for worker adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974 (Pub. L. 93-618), as amended. The proposed rule is intended to reduce the time required for completing fact finding investigations and issuing determinations on petitions by reassigning the responsibility for certifying worker groups for adjustment assistance and to make such other changes that will help facilitate decision actions on petitions.

DOL—ETA **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	02/20/87	52 FR 5310
NPRM Comment Period End	03/23/87	52 FR 5310
Final Action	06/19/87	52 FR 23400
Final Action Effective	06/19/87	52 FR 23400

Small Entity: No

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade Adjustment, Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, **202 376-2646**

RIN: 1205-AA58

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)

1480. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in Section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33508
NPRM Comment Period End	11/02/87	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Shelby J. Hoover, Assistant Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9592**

RIN: 1210-AA08

1481. LOANS TO PARTICIPANTS

Legal Authority: 29 USC 1135; 29 USC 1108

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: This rule describes the circumstances under which the exemption in Section 408(b)(1) of ERISA from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Susan Rees, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9596**

RIN: 1210-AA09

1482. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None.

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under Section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Daniel J. Maguire, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9596**

RIN: 1210-AA15

1483. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None.

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9593**

RIN: 1210-AA19

1484. TOP HAT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None.

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9593**

RIN: 1210-AA21

DOL—PWBA

Proposed Rule Stage

1485. PROPOSED REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None.

Abstract: The proposed regulation is intended to provide an exemption from the bonding requirements of Section 412 (a) of ERISA for certain broker dealers and investment advisers who handle plan assets if the proposed regulation's alternative bonding requirements are met. If adopted, the regulation would permit broker-dealer and their investment adviser affiliates to substitute the fidelity bond required by the self-regulatory organizations of which they are members, subject to a minimum level of coverage, for the bond otherwise required by Section 412 of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31039
NPRM Comment Period End	10/19/87	52 FR 31039
Final Action	04/00/88	

Small Entity: No

Agency Contact: Linda Shore, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5667 FPBuilding, Washington, DC 20210, **202 523-8671**

RIN: 1210-AA25

1486. PROHIBITED TRANSACTION EXEMPTION PROCEDURES

Significance: Agency Priority

Legal Authority: 29 USC 1108; 29 USC 1135; 5 USC 8477 (C) (3)

CFR Citation: 29 CFR 2570

Legal Deadline: None.

Abstract: This regulation describes the procedures for filing and processing applications for exemptions from the prohibited transaction provisions of ERISA of 1974 and IRC and FERSA of 1986. The proposed regulation updates the description of the Department's procedures to reflect changes in the Department of Labor's exemption authority and to clarify the procedures by providing a more detailed description of the prohibited transaction exemption process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N4611, FPBuilding, Washington, DC 20210, **202 523-9594**

RIN: 1210-AA26

1487. AMOUNT OF BOND FOR FERS THRIFT SAVINGS FUND

Significance: Agency Priority

Legal Authority: 5 USC 8478

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Section 8478(b)(1) requires the Secretary of Labor to prescribe the amount of a bond at the beginning of each Fiscal Year of the fund. This rulemaking accomplishes that objective.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	05/00/88	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, **202 523-7901**

RIN: 1210-AA28

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Final Rule Stage

1488. INDIVIDUAL BENEFIT REPORTING - RECORDKEEPING - MULTIPLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None.

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of Public Hearing on 11/25/80	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, **202 523-8377**

RIN: 1210-AA02

1489. INDIVIDUAL BENEFIT REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None.

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to

provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of Public Hearing on 11/25/80	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, **202 523-8377**

RIN: 1210-AA03

1490. DEFINITION OF PLAN ASSETS -- EMPLOYEE CONTRIBUTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: This regulation would describe when monies paid to, or withheld by, an employer as contributions to an employee benefit plan are considered "Plan Assets" for purposes of Title I of ERISA and certain related provisions of the Internal Revenue Code. Proposed regulations dealing with this matter were published by the Department on August 28, 1979.

Timetable:

Action	Date	FR Cite
NPRM	08/28/79	44 FR 50363
NPRM Comment Period End	01/07/80	
Public Hearings	02/27/80	
Final Action	12/00/87	

Small Entity: No

Additional Information: Subpart of RIN 1210-AA06 (Definition of Plan Assets) which will be handled separately.

Agency Contact: Nancy Rooney, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9596**

RIN: 1210-AA16

1491. PROCEDURES FOR ADMINISTRATIVE IMPOSITION OF CIVIL SANCTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1132 (i); 29 USC 1135

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None.

Abstract: This procedural rule would implement Section 502(i) of ERISA which authorizes the Secretary of Labor to impose civil sanctions against parties in interest (as defined in ERISA Section 3(14)) who engage in prohibited transactions with welfare plans and nonqualified pension plans.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30501
NPRM Comment Period End	10/27/86	51 FR 30501
Final Action	12/00/87	

Small Entity: No

Agency Contact: Susan Rees, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9596**

RIN: 1210-AA20

1492. ADOPTION OF TEMPORARY BONDING REGULATIONS UNDER ERISA SECTION 412 FOR PURPOSES OF FERSA SECTION 8478

Significance: Agency Priority

Legal Authority: 5 USC 8478; PL 99-556 SECTION 113

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Section 8478 of FERS Requires the Secretary of Labor to prescribe within regulations concerning the bonding (for loss through theft or embezzlement) of property of the thrift savings fund. Section 113 of the Federal Employees' Retirement System Technical Corrections Act of 1986 authorizes the Secretary of Labor to apply the temporary bonding regulations under ERISA Section 412 to FERSA Section 8478 (until January 1, 1990). This rulemaking effects such interim adoption of the ERISA bonding regulations for FERSA purposes.

Timetable:

Action	Date	FR Cite
Interim Final Action Effective	04/01/87	
Interim Final Rule	09/23/87	52 FR 35864
NPRM	10/00/87	
End of Comment Period	11/23/87	
NPRM Comment Period End	12/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, **202 523-7901**

RIN: 1210-AA29

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of Labor Management Standards (OLMS)

1493. GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959 CHARACTERISTICS OF CANDIDATES

Legal Authority: 29 USC 481; 29 USC 482

CFR Citation: 29 CFR 452.46

Legal Deadline: None.

Abstract: This regulation will amend 29 CFR 452.46 regarding maximum age restrictions on candidacy for union office. The amendment is required in part to conform the regulations to a recent amendment to the Age Discrimination in Employment Act of 1967.

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Kay Oshel, Chief, Division of Interpretations and, Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue, NW, Rm N5613, FPBldg., Washington, DC 20210, **202 523-7373**

RIN: 1294-AA02

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

1494. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75

Legal Deadline: None.

Abstract: MSHA has established a mining equipment approval program, including evaluation criteria, and corresponding safety standards requiring the use of certain equipment. Existing approval regulations do not generally apply to the diesel equipment now being used in underground coal mines. An Advisory Committee will be established to make recommendations concerning what standards and regulations would be appropriate for coal mines.

Timetable:

Action	Date	FR Cite
Establishment of Advisory Committee	10/06/87	52 FR 37381

Small Entity: Yes

Additional Information: The Advisory Committee is expected to convene in October 1987. Under statutory requirements, the Advisory Committee must submit a report to the Secretary of Labor within 180 days of convening.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA27

1495. SURFACE COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.500; 30 CFR 77.600; 30 CFR 77.700; 30 CFR 77.800; 30 CFR 77.900; 30 CFR 77.1000; 30 CFR 77.1800

Legal Deadline: None.

Abstract: Existing electrical standards for surface coal mines would be reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with specific standards applicable to surface coal mining operations. The Agency is also currently developing a proposal for its underground electrical standards. Because of the common issues, the status of this rulemaking is, in part, contingent upon revisions now being developed for the underground proposal.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA32

1496. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: None.

Abstract: In response to concerns raised by members of Congress and the mining community about the nature and accuracy of existing reporting obligations, MSHA established an intra-agency task force to review its requirements for reports of accidents, injuries and illnesses in coal and metal and nonmetal mines. The Agency focused on several aspects of the reporting requirements including the definition of an occupational injury or illness, and an expanded audit program. In December 1986, MSHA issued Program Information Bulletin No. 86-6C and 86-3M on this subject to the mining community. The Agency is reviewing its program in light of overall Departmental initiatives in this area, with the goal of assuring a system of accurate and reliable reporting.

DOL—MSHA

Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	12/01/85	
Task Force Report Completed	03/03/86	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA33

1497. ● AUTOMATIC BRAKES ON SELF-PROPELLED ELECTRIC FACE EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.523-3

Legal Deadline: None.

Abstract: In 1973, the Agency issued installation and performance requirements for automatic emergency brakes on rubber-tired, self-propelled electric face equipment for underground coal mines. However, there was not sufficient technical data to develop criteria for evaluating the designs of these braking systems. On July 30, 1974, the effective dates for compliance with 75.523-3 were suspended indefinitely. MSHA now has sufficient technical data to begin reviewing the standard during this calendar year for possible implementation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm. 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA39

1498. ● COAL AIR QUALITY

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70

Legal Deadline: None.

Abstract: Permissible exposure limits for most noxious and poisonous gases in underground coal mines are addressed in 30 CFR 75.301-2. This ventilation standard incorporates by reference an outdated national consensus standard. MSHA would replace the incorporation by reference with updated standards that are more specific to the mining industry. These standards would be recodified with other health standards for underground coal mining in 30 CFR 70.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA41

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Proposed Rule Stage

1499. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None.

Abstract: In 1980, a proposal was issued but subsequently withdrawn as a result of certain Review Commission decisions and other policy considerations. A second ANPRM which outlined new procedures for implementing the statutory provision for pattern of violations was issued in 1985. Commenters to the ANPRM raised several critical issues and the Agency is currently reviewing enforcement data to assess how to best implement this statutory provision. The proposal will contain a meaningful procedure and appropriate criteria for identifying operators who are potential pattern violators.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	12/00/87	

Small Entity: Yes

Additional Information: MSHA is responding to DOL's request for further data analysis prior to publication of the proposal.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA04

1500. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None.

Abstract: Existing electrical standards for underground coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with specific standards applicable to underground coal mining operations. The Agency is in the process of developing a proposed rule that

addresses the wide range of issues raised by commenters.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/23/86	51 FR 18899
Comment Period Extended to 8/15/86	07/03/86	51 FR 24387
ANPRM Comment Period End	07/22/86	51 FR 18899
NPRM	03/00/88	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA10

1501. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None.

Abstract: The Agency will publish a proposed rule concerning ventilation in underground mines which will include provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gases that may indicate a mine fire. Other important issues would include ventilation of worked-out areas; timeframes for tests for methane; and using intake air that has been used to ventilate a belt conveyor entry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	11/00/87	

Small Entity: Yes

Additional Information: Public hearings are anticipated to be held during April 1988.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA11

1502. REVIEW OF METAL AND NONMETAL ELECTRICAL STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None.

Abstract: The electrical standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to metal and nonmetal mining and mills.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	05/00/88	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA14

1503. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None.

Abstract: The explosives standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. These standards would be clarified and updated consistent with technological advances.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	03/00/88	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during May 1988.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA17

1504. METAL AND NONMETAL AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.5; 30 CFR 56.5

Legal Deadline: None.

Abstract: The Agency is developing a NPRM which would replace an incorporation by reference with updated permissible exposure limits which are specifically applicable to the hazards encountered in metal and nonmetal mining. The proposal would solicit comment on which means of control would provide the necessary protection from airborne contaminants. Standards for use of respiratory protective equipment would replace an outdated incorporation by reference. Other issues being considered are: requirements for exposure monitoring and precautions for handling restricted-use chemicals; notification of workers of overexposures; and access to exposure records. The Department is in the process of developing a uniform policy on air quality in the work place.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	07/06/83	48 FR 31171

Action	Date	FR Cite
Extension of Comment Period to 10/06/83	08/12/83	48 FR 36789
Extension of Comment Period to 11/07/83	09/16/83	48 FR 41747
ANPRM Comment Period End	11/07/83	
NPRM	02/00/88	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during April 1988.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA21

1505. MINE PLAN APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR "Chapter I"

Legal Deadline: None.

Abstract: In March 1985, the Agency issued an ANPRM requesting comment on the existing plan approval process. After reviewing the comments, the Agency is reconsidering its draft proposal. Further information will be available in the next Regulatory Program of the U.S. Government and Agenda.

Timetable:

Action	Date	FR Cite
Request for comments	03/22/85	50 FR 11644

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA26

1506. ● CERTIFICATION AND QUALIFICATION OF PERSONS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.100; 30 CFR 75.150; 30 CFR 77.100; 30 CFR 77.105

Legal Deadline: None.

Abstract: Certain MSHA regulations require persons working in coal mines to be qualified or certified to perform certain tasks, e.g., testing for methane, making ventilation examinations, etc. The existing rule requires operators to submit certification and qualification applications to MSHA every six months for recertification. The proposal eliminates the six-month limitation, permitting persons to remain certified or qualified for as long as they continue to satisfy the substantive requirements and remain employed at the same coal mine or independent contractor.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Yes

Additional Information: Public hearings would probably be held in March 1988.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA36

1507. ● ESCAPEWAYS AND ESCAPE FACILITIES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1704; 30 CFR 75.1707

Legal Deadline: None.

Abstract: Escapeways are the primary means of egress during a fire or similar life threatening situation. MSHA's existing standards need to be updated and clarified to assure that escapeways are properly maintained and miners are informed of escape procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Additional Information: Public hearings would probably be held in April 1988.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA37

1508. ● AUTOMATIC WARNING DEVICES FOR MOBILE EQUIPMENT

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.410

Legal Deadline: None.

Abstract: MSHA's existing standard requires mobile equipment to be equipped with devices which automatically sound an alarm when the equipment is put in reverse. MSHA is considering revising the standard to exclude pickup trucks if the driver has an unobstructed rear view. The Agency is also considering allowing alternatives to automatic warning devices.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Yes

Additional Information: Public hearings would probably be held during March 1988.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA38

1509. ● ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 20

Legal Deadline: None.

Abstract: Under existing standards MSHA is limited to investigating and approving lamps which meet the design, construction and test requirements specifically set forth in 30 CFR 20. As a result, the Agency is restricted from approving lamps that incorporate alternative technology. The proposal

would amend Part 20 to enable the Agency to issue approvals for lamps which, after testing, are found to be safe for their intended use and provide, at a minimum, the same degree of protection as lamps currently approved under the existing standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Yes

Additional Information: Public hearings would probably be held in March 1988.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA40

1510. ● MULTIPLE-SHOT BLASTING UNITS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 25

Legal Deadline: None.

Abstract: The requirements for approval of blasting units are part of the overall coal review to update standards. The revision of existing Part 25 specifications is to be proposed as Subpart D to Part 7. Under this concept, testing would be done by the applicant or a third party, subject to Agency requirements and approval.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
Notice of Public Conferences for 7/11/84	06/05/84	49 FR 23281
Extension of Comment Period to 9/24/84	07/31/84	49 FR 30636
ANPRM Comment Period End	08/10/84	49 FR 23281
NPRM	01/00/88	

Small Entity: Yes

Additional Information: The review of 30 CFR 25 was originally listed in the Agenda in 1984. In the October 1985 Agenda, MSHA consolidated the Review of Part 25 under 1219-AA16. A proposal is expected to be published in January 1988 which will revise 30 CFR 25 and combine it as a subpart of 30 CFR 7.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA42

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Final Rule Stage

1511. PROCEDURES FOR APPROVAL OF MINING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 7

Legal Deadline: None.

Abstract: This would be a new Part. Under existing regulations, certain equipment must be tested and approved by MSHA prior to use in certain underground mines. The proposal would permit manufacturers or independent laboratories to test certain equipment prior to issuance of the Agency's approval. The actual authority for approval would continue to remain with the government. The final rule will also contain a mechanism for monitoring quality assurance and conducting post-approval audits.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Hearings	03/18/83	48 FR 11665
ANPRM Comment Period End	05/03/83	
NPRM	02/06/86	51 FR 4686
Notice of Public Hearings	02/06/86	51 FR 4668
Extension of Comment Period to 5/7/86	04/04/86	51 FR 11586
NPRM Comment Period End	04/07/86	51 FR 4686
Final Action	12/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during July 1986.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA06

1512. UNDERGROUND COAL MINE ROOF CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.200

Legal Deadline: None.

Abstract: The final rule will clarify, revise, and update MSHA's existing standards for controlling roof falls in underground coal mines. The final rule will also recognize technical advances in roof support, such as the ATRS system which is a new and developing technology that stabilizes unsupported roof during the installation of support.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	09/02/83	48 FR 40165
ANPRM Comment Period End	11/18/83	48 FR 40165
NPRM	10/15/85	50 FR 41784
Extension of Comment Period to 02/17/86	12/13/85	50 FR 50925
Notice of Public Hearings	01/17/86	51 FR 2525
Final Action	11/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during February 1986.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department

of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA13

1513. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None.

Abstract: The existing standards governing the use of explosives in underground coal mines are outdated and incomplete. MSHA's final rule will substantially reorganize, clarify and update these requirements. In addition, the rule will recognize new explosive technology and will permit future changes in technology with assurances for a safe mining environment.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	49 FR 19601
NPRM	05/09/86	51 FR 17284
Extension of Comment Period to 7/31/86	07/03/86	51 FR 24387
NPRM Comment Period End	07/08/86	51 FR 17284
Notice of Public Hearings	10/21/86	51 FR 37376
Supplemental Public Hearing	03/26/87	52 FR 9670
Final Action	01/00/88	

Small Entity: Yes

Additional Information: Public hearings were held in November 1986. See also RIN 1219-AA23 for abstract and timetables of related rulemaking to revise approval specifications for explosives. A supplemental public hearing was held 4/22/87 in Bruceton, PA in conjunction with public hearings on 30 CFR Part 15.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA16

1514. SAFETY STANDARDS FOR LOADING, HAULING AND DUMPING AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.9000; 30 CFR 57.9000

Legal Deadline: None.

Abstract: The loading, hauling and dumping standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. As a result of consideration of the public rulemaking records relating to both the machinery and equipment and loading, hauling and dumping standards, the Agency reorganized the standards to more accurately and clearly identify the hazards. The Agency will publish a combined final rule of these two sections.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	04/22/83	48 FR 17513
ANPRM Comment Period End	06/21/83	
NPRM	12/18/84	49 FR 49202
Extension of Time to Comment to 03/22/85	01/25/85	50 FR 3681
NPRM Comment Period End	02/19/85	49 FR 49202
Notice of Public Hearings	07/03/85	50 FR 27566
Final Action	12/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during August 1985. See also 1219-AA19 for additional information.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA18

1515. SAFETY STANDARDS FOR MACHINERY AND EQUIPMENT AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.14000; 30 CFR 57.14000

Legal Deadline: None.

Abstract: The machinery and equipment standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. As a result of consideration of the public rulemaking records relating to both the machinery and equipment and loading, hauling and dumping standards, the Agency reorganized the standards to more accurately and clearly identify the hazards. The Agency will publish a combined final rule of these two sections.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	02/11/83	48 FR 6489
ANPRM Comment Period End	04/15/83	
NPRM	03/06/84	49 FR 8375
NPRM Comment Period End	05/07/84	49 FR 8375
Notice of Public Hearings	05/21/84	49 FR 21494
Final Action	12/00/87	

Small Entity: Yes

Additional Information: See also 1219-AA18 for additional information.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA19

1516. APPROVAL REQUIREMENTS FOR EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15

Legal Deadline: None.

Abstract: The requirements for approval of explosives are part of the overall coal review of high priority standards. These standards would

update and clarify existing specifications and tests. New provisions would recognize the development of sheathed explosive units. Public hearings were held during April 1987.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	
NPRM	11/12/86	51 FR 41046
NPRM Comment Period End	01/12/87	51 FR 41046
Notice of Public Hearings	03/26/87	52 FR 9670
Final Action	01/00/88	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA23

1517. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

Legal Deadline: None.

Abstract: MSHA is reviewing its radiation standards for underground metal and nonmetal mines and has identified certain issues with respect to regulatory action. The Agency published a proposal in December 1986 revising its existing ionizing radiation standards. Public hearings were held in August 1987.

Timetable:

Action	Date	FR Cite
Request for Comments	01/29/85	50 FR 4144
Extension of Comment Period to 6/3/85	03/22/85	50 FR 11638
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Notice of Hearings	07/14/87	52 FR 26352
Final Action	03/00/88	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA28

1518. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Legal Deadline: None.

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. New technology has been developed which has not been accommodated by the existing regulations. In addition, questions have been raised about laboratory testing and field performance of respirators. The decision has been made for NIOSH to have the lead in approval of respirators. MSHA will be involved with the devices which are uniquely adapted or required for mining. A proposed rule to remove MSHA's regulations upon completion of a concurrent NIOSH rulemaking was published in August 1987. However, further rulemaking is contingent upon NIOSH's timetables.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32313
Final Action	10/00/88	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Actng Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, **703 235-1910**

RIN: 1219-AA30

1519. ● HANDS-ON TRAINING IN SCSR'S

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714

Legal Deadline: None.

Abstract: An emergency temporary standard (ETS) was published (6/30/87, 52 FR 24374) which required all coal miners to receive hands-on training in the use of SCSR's by 9/28/87. The ETS was issued in accordance with Section 101(b) of the Mine Act and revises 30 CFR 75.1714. In conjunction with the ETS, MSHA published a proposed rule (6/30/87; 52 FR 24378) which will supersede the ETS when promulgated in final form.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	52 FR 24378
Emergency Temporary Standard	06/30/87	52 FR 24374
NPRM Comment Period End	08/14/87	52 FR 24378
Final Action	06/00/88	

Small Entity: Yes

Additional Information: The ETS was effective on the date of publication (6/30/87). Public Hearings on the proposed rule should be held in October 1987. Neither the ETS nor the proposed rule for hands-on training replace the comprehensive review of 30 CFR 1714 (See 1219-AA08) which will be undertaken at a later date.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA43

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Completed Actions

1520. REVIEW OF SELF-CONTAINED SELF RESCUE DEVICES (SCSR) STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714

Legal Deadline: None.

Abstract: The self-contained self rescue devices (SCSR) standards would be revised to incorporate technological advances. MSHA is currently evaluating the state of technology. Pending completion of that review, the Agency is deferring further rulemaking action at this time. This entry is, therefore, removed from future Agendas.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	
Deferred	09/01/87	
End Review	09/01/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA08

1521. REVIEW OF HOISTING AND TRANSPORTATION OF PERSONS AND MATERIAL STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1400

Legal Deadline: None.

Abstract: The hoisting and transportation standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. The Agency is reviewing the nature and extent of the hazards associated with these areas. However, the Agency expects no further action during this calendar year. Therefore, this item is removed from the Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	
Deferred	09/01/87	
End Review	09/01/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA12

1522. METAL AND NONMETAL GASSY MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.21000

Legal Deadline: None.

Abstract: The safety standards for methane (formerly known as Gassy Mines) were part of the overall metal and nonmetal review of high priority sections. The final rule places all underground mines in one of six categories based on the degree of hazard present at the mine. Each category has its own set of standards specific to the gradation of hazard present at the mine.

MSHA is issuing amendments to the final rule to eliminate internal inconsistencies in the rule. MSHA is also making editorial and technical corrections and is providing additional explanation to clarify the intent of other standards. In addition, MSHA is staying the effective date of the standard that requires blasting from the surface in Subcategory I-A mines to permit additional public comment and Agency analysis of technical issues.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	06/10/83	48 FR 27025
ANPRM Comment Period End	08/09/83	
Extension of Comment Period to 09/09/83	08/12/83	48 FR 36789
NPRM	06/04/85	50 FR 23612
Extension of Comment Period to 09/05/85	07/19/85	50 FR 29437
NPRM Comment Period End	08/05/85	50 FR 23612
Notice of Public Hearings	09/17/85	50 FR 37815
Final Action	07/01/87	52 FR 24924
Correction Notice	07/24/87	52 FR 27903
Interim Final Rule, Corrections and Stay	10/16/87	
Final Action Effective	10/29/87	52 FR 24924

Small Entity: Yes

Additional Information: Public hearings were held in October 1985. This entry is removed from future Agendas.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA15

1523. UPDATING FEES ASSOCIATED WITH EQUIPMENT APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11 to 36

Legal Deadline: None.

Abstract: Under this final rule, MSHA will charge a fee for the testing of certain types of equipment submitted by manufacturers for Agency approval. The final rule establishes the general criteria to be used in determining costs to the government. These criteria will be used to compute fees on a periodic basis so that fees will be current and relevant. The computation criteria were published in the Federal Register. Fee schedules will be made available to manufacturers on an annual basis.

Timetable:

Action	Date	FR Cite
NPRM	04/16/86	51 FR 12966
NPRM Comment Period End	06/16/86	51 FR 12966

DOL—MSHA

Completed Actions

Action	Date	FR Cite
Notice of Hearings	06/30/86	51 FR 23559
Final Action	05/08/87	52 FR 17506
Final Action Effective	10/01/87	52 FR 17506

Small Entity: Yes

Additional Information: Public hearings were held in July 1986. This entry is removed from future Agendas.

Agency Contact: Patricia W. Silvey, Acting Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA29

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1524. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 29 USC 794; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4; 20 USC 1681 to 1683; 15 USC 3151; 29 USC 1501 et seq; 20 USC 1685; 20 USC 1686

CFR Citation: 29 CFR 31

Legal Deadline: Statutory, October 1, 1983. The statutory effective date for JTPA implementing regulations is 10/01/83; the ADA required implementing regulations within 90 days of the HHS guidance regulation which was published on June 12, 1979.

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs with uniform administrative and enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: Draft proposed regulations were submitted to DOJ and EEOC for approval under E.O. 12250 and E.O. 12067, respectively. EEOC's approval was obtained August 20, 1985. The Department is currently considering substantive policy issues raised by DOJ in its August 1986 conditional approval of the proposed regulations. Upon resolution of these issues DOL will forward the regulations to the Office of Management and Budget for review pursuant to E.O. 12291, prior to publication as an NPRM.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: William J. Harris, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, **202 523-8927**

RIN: 1291-AA02

1525. ● GUIDELINES FOR NONPROCUREMENT SUSPENSION AND DEBARMENT

Significance: Agency Priority

Legal Authority: EO 12549

CFR Citation: 29 CFR 98

Legal Deadline: Statutory, September 26, 1987. OMB Guidelines were published on May 26, 1987 and provided for rulemaking by September 26, 1987.

Abstract: Executive Order 12549 provides that to the extent permitted by law, Executive Departments and agencies shall participate in a debarment and suspension from programs and activities involving Federal financial assistance. This proposed regulation covers the Department of Labor's participation in voluntary common rulemaking to implement the Executive Order. OMB has developed the guidelines and the proposed common rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	01/00/88	
Final Action	05/00/88	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Theodore Goldberg, Director, Office of Procurement and Grant, Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Rm S1522, FPBldg., Washington, DC 20210, **202 523-9174**

RIN: 1291-AA11

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1526. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) IMPLEMENTATION OF COMPETITION IN CONTRACTING ACT OF 1984 (CICA) (PUB. L. 98-369) INTO DOLAR

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 551; 40 USC 486(c); 41 USC 401; PL 98-369, Sec 2701; EO 12352; EO 12291

CFR Citation: 48 CFR 29

Legal Deadline: None.

Abstract: Develop Department of Labor Acquisition Regulations to implement new regulations incorporated into the Federal Acquisition Regulation (FAR) mandated by the Competition in Contracting Act of 1984 (Pub. L. 98-369).

DOL—OASAM

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/06/86	51 FR 40372
Final Action	10/00/87	

Small Entity: No

Affected Sectors: All

Agency Contact: Theodore Goldberg, Director, Division of Procurement and Grant, Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, **202 523-9174**

RIN: 1291-AA06

1527. PUBLIC CONTRACTS AND PROPERTY MANAGEMENT; FEDERAL STANDARDS FOR AUDIT OF FEDERALLY FUNDED GRANTS, CONTRACTS AND AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505(a); OMB Circular No. A-128; OMB Circular No. A-110

CFR Citation: 29 CFR 96

Legal Deadline: None.

Abstract: Amends administrative requirements for audit by adding sections on audit resolution and audit appeals.

Timetable:

Action	Date	FR Cite
NPRM	06/27/86	51 FR 23433
NPRM Comment Period End	08/26/86	51 FR 23433
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: Theodore Goldberg, Director, Division of Procurement and Grant, Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA10

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

Prerule Stage

1528. MANUAL LIFTING (PARTS 1910, 1915, 1917, 1918, 1919, 1926 AND 1928)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information onManual Lifting-Related Injuries	10/02/86	51 FR 35241
Reopening of Comment Period and Expansion of Scope	04/17/87	52 FR 12559
Determination of next action	12/00/87	

Small Entity: Undetermined

Additional Information: A Reopening of Written Comment Period and Expansion of Scope of Request for Comments and Information was published in the Federal Register on April 17, 1987, in response to requests by commenters. The new comments are currently being reviewed.

Affected Sectors: All

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA95

1529. GEAR CERTIFICATION (PART 1919)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1919, (Revision)

Legal Deadline: None.

Abstract: In its May 7, 1987, Federal Register notice the Agency requested information to assist in the possible revision of 29 CFR Part 1919. Part 1919, entitled "Gear Certification," implements requirements located in each of OSHA's maritime standards which cover work carried out within the Federal maritime jurisdiction. Changes in the design and composition of cargo handling gear which have evolved since these rules were last amended (1969) provided questions as to the efficacy of the current rules. Additionally, the Agency sought comments that would suggest ways in which the administrative function of the accreditation program could be improved. Comment period ended: August 5, 1987.

Timetable:

Action	Date	FR Cite
Request for Information	05/07/87	52 FR 17302
Comment Period Closed	08/05/87	
Determine if Revision is Necessary	12/00/87	

Small Entity: Undetermined

Affected Sectors: 37 Transportation Equipment; 44 Water Transportation

DOL—OSHA

Prerule Stage

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA97

1530. ● BLOODBORNE INFECTIOUS DISEASES

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None.

Abstract: Many health-care workers are exposed to blood and body fluids from patients who have active bloodborne infections or are carriers of these infections. Such exposure presents a potential risk of disease for the health-care workers. One such disease, hepatitis B, has been shown to present a substantially increased risk for health-care workers. Data received by OSHA indicate that of the approximately 250,000 cases of hepatitis B diagnosed in the U.S. each year, approximately 5.5 percent, or 15,000 cases, are among health-care workers. It has been estimated that 222-265 health-care workers die each year as a result of hepatitis B and associated complications. About half of the nation's five million health-care workers are at increased risk from exposure to bloodborne infectious diseases. The highest risks are experienced by emergency room workers, dialysis unit workers, operating room personnel, intensive care unit workers and blood bank employees. OSHA's personal protective equipment standard, 29 CFR 1910.132(a), provisions for general housekeeping, 29 CFR 1910(a)(1) and waste disposal, 29 CFR 1910. 141(a)(4)(ii)) along with Section 5(a)(i) of the Act (Cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	10/00/87	
ANPRM Comment Period End	12/00/87	
NPRM	10/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT (CONT'D): requiring employers to provide employment and a place of employment free of recognized hazards ..., will be used to reduce some, but not all of the hazards of bloodborne diseases. In 1983, the Agency issued voluntary guidelines for reducing the occupational risk of hepatitis B infection. In September 1986, OSHA was petitioned by the American Federation of State, County and Municipal Employees and other unions for the issuance of an emergency temporary standard to protect workers from occupational exposure to bloodborne infectious diseases, such as hepatitis B and acquired immune deficiency syndrome (AIDS).

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, Dc 20210, 209 523-7075

RIN: 1218-AB15

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

1531. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None.

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The Carcinogen Policy explicitly recognizes that periodic revisions are necessary in order to incorporate the latest scientific advances and techniques into the regulatory process. Hence, given the very rapid advances since 1980 in the understanding of the mechanisms of carcinogenesis, it is time for OSHA to review and modernize the Carcinogen Policy. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 1/19/81 (46 FR 4889). A proposal was published on 1/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 3/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 1/5/82 (47 FR 187) with comments due by 4/5/82. That document (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	01/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: also proposed to stay the publication of the candidate and priority lists. The final stay was published on 1/4/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response to the document published by the Office of Science and Technology Policy entitled "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985.

Government Levels Affected: Federal

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA01

1532. ETHYLENE OXIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1047

Legal Deadline: Judicial, March 1988. In a July 21, 1987, decision the U.S. Court of Appeals for the District of Columbia Circuit ordered OSHA to adhere to the schedule set out in its response to petitioners' contempt motion and issue its final decision on the EtO STEL issue no later than March 1988.

Abstract: On July 25, 1986, in Public Citizen HRG v. Tyson, Docket No. 84-1252, the United States Court of Appeals for the District of Columbia upheld most of the final standard on EtO, including the 1 ppm TWA. However, the Court remanded the standard to the Agency for further proceedings on whether a short term exposure limit is necessary to further reduce the significant risk that exists with a 1 ppm TWA alone. In accordance with the Court's order, OSHA intends to reopen the EtO rulemaking record to review the issue of the STEL. This will be accomplished by publication of a notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA03

1533. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None.

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed OSHA has reviewed the current standards and intends to propose revisions.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period onPreproposal Draft Ends	11/29/85	
NPRM	10/00/87	
Public Hearings on Proposal	02/00/88	
Final Action	12/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA05

1534. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None.

Abstract: On June 17, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards OSHA has received letters and petitions, from both rulemaking participants and nonparticipants, that contain additional comments, assertions and information that the rulemaking record may not fully reflect. These letters and petitions concern the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos. OSHA has granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R.T. Vanderbilt Company and various other (Cont'd)

Timetable:

Action	Date	FR Cite
Notice of partial administrative stay	10/17/86	51 FR 37002
NPRM	01/00/88	

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA26

1535. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None.

Abstract: OSHA's policy concerning the use of engineering controls and respirators wa3 targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA

believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	11/00/87	
Final Action	11/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA28

1536. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331

Legal Deadline: None.

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety- related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electrical equipment and includes requirements for both the safe use of the electrical equipment as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA32

1537. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None.

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913
NPRM - Second	07/00/88	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA34

1538. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None.

Abstract: This rule prescribes the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12288
NPRM Comment Period End	10/14/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA36

1539. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart I

Legal Deadline: None.

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	05/00/89	

Small Entity: No

Additional Information: 1. 1218-AA48 will be issued concurrently with 1218-AB04.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605,

FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA48

1540. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None.

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	03/00/89	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA51

1541. LOGGING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None.

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	01/00/89	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Affected Sectors: 24 Lumber and Wood Products, Except Furniture

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA52

1542. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.147, (New)

Legal Deadline: None.

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy could cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period End	09/15/80	
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	11/00/88	

Small Entity: Yes

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA53

1543. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None.

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected

to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	03/00/89	

Small Entity: Yes

Affected Sectors: 44 Water Transportation

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA56

1544. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None.

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA evaluated the data received in response to the advance notice and concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action. OSHA responded to the EPA referral on 2/26/86. OSHA established a mediated rulemaking advisory committee composed of interested parties from labor, industry and government to assist the agency in developing a proposed standard. The Committee completed its work in June 1987 (Cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
Publication of Committee Recommendation	07/16/87	52 FR 26776
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT (CONT'D): and forwarded its recommendations to the Agency. OSHA published the Committee's recommendations on July 16, 1987, and intends to publish a proposed standard for MDA within 90 days.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA58

1545. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.269

Legal Deadline: None.

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for employees working on or near facilities whose purpose is the generation and distribution of electricity.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	02/00/89	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA59

1546. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None.

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	
Final Action	07/00/89	

Small Entity: Undetermined

Affected Sectors: 26 Paper and Allied Products

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA61

1547. MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.600; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1926.603; 29 CFR 1926.604; 29 CFR 1926.605; 29 CFR 1926.606

Legal Deadline: None.

Abstract: This regulatory action is being made to update the rollover protective structures to reflect the latest technology. In addition, the action will eliminate redundant provisions, remove outdated referenced consensus standards, and delete ambiguous language from the existing provisions which address motor vehicles, material handling equipment, pile driving equipment, site clearing, and marine operations and equipment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA63

1548. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None.

Abstract: The purpose of this regulatory action is to remove from the Steel Erection Standard all requirements relating to fall protection for employees engaged in steel erection. (Requirements on this subject will be introduced in a separate rulemaking into the general fall protection standard constitution Subpart M of Part 1926). In addition, this action will consolidate, clarify, and revise the existing provisions governing steel erection assembly, flooring, bolting, riveting, fitting-up, and plumbing-up. .

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	12/00/89	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA65

1549. FALL PROTECTION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.21 - .23.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA66

1550. SCAFFOLDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA68

1551. ACCESS AND EGRESS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.24 - .27; 29 CFR 1910.36 - .37.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA70

DOL—OSHA

Proposed Rule Stage

1552. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None.

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	03/00/89	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA71

1553. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None.

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	07/00/89	

Small Entity: Undetermined

Affected Sectors: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA72

1554. WELDING, CUTTING AND HEATING (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.251 - .252.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA73

1555. PERSONAL PROTECTIVE EQUIPMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.132 through .137.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA74

1556. COMPRESSED AIR (PART 1926)

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.803

Legal Deadline: None.

Abstract: OSHA published a "Request for Comments and Information" on April 22, 1985, on the subject of working in compressed air and decompression (50 FR 15756). Based on the information obtained, OSHA has determined that immediate action will not be taken. The Agency intends to continue data collection, and to reevaluate the decision in light of additional input, staff resources, and Agency priorities within 12 to 18 months.

Timetable:

Action	Date	FR Cite
Request for Comments and Information	04/22/85	50 FR 15756
Comment Period Closed	07/22/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA76

1557. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-1

Legal Deadline: None.

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. OSHA intends to initiate rulemaking to revise the standard for BD pursuant to section 6(b) of the Occupational Safety and Health Act.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA83

1558. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None.

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA announced that it would begin rulemaking proceedings for these chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
NPRM	04/00/88	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA84

1559. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.7; 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Affected Sectors: 373 Ship and Boat Building and Repairing

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8063

RIN: 1218-AA91

1560. SURFACE PREPARATION AND PRESERVATION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.32; 29 CFR 1915.33; 29 CFR 1915.34; 29 CFR 1915.35; 29 CFR 1915.36

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering surface preparation and preservation in enclosed confined and other spaces. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	09/00/89	

Small Entity: Yes

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.94; 29 CFR 1910.106 - .107.

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA96

1561. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None.

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA has issued a set of guidelines for controlling occupational exposure to DCM and has decided to proceed with rulemaking to develop a new permanent standard. OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard.

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	03/00/88	
Informal Public Hearings	05/00/88	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA98

1562. ● WALKING AND WORKING SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32

Legal Deadline: None.

Abstract: Existing standards for walking and working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance-oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	05/00/89	

Small Entity: Undetermined

Additional Information: The agenda RIN 1218-AB04 is an aggregate of RIN 1218-AA46 (Scaffolds and Similar Work Surfaces (Part 1910)) and RIN 1218-AA50 (Ladders and Similar Climbing Devices (Part 1910)).

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AB04

1563. HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE (PART 1910)

Significance: Regulatory Program

Legal Authority: PL 99-499 Section 126; 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120 (Subpart H)

Legal Deadline: Statutory, October 16, 1987.

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Operations and Emergency Response by October 17, 1987. The law requires the proposed rule to address eleven areas: site analysis, training, medical surveillance, protective equipment, engineering controls, maximum surveillance, protective equipment, engineering controls, maximum exposure limits, informational programs, handling and labeling, new technology programs, decontamination procedures, and emergency response. The agency has developed a Preliminary Regulatory Impact Analysis which is available in the docket. The analysis estimates that the benefits are significant and that annualized costs are $71 million for training, $17 million for medical surveillance, $12 million for decontamination, $11 million for protection suits and $37 million for other requirements. OSHA intends to conduct public hearings in two locations across the country to enhance public comment and participation in this rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/19/86	51 FR 45654
NPRM	08/10/87	52 FR 29620
NPRM Comment Period End	10/05/87	52 FR 29620
Public Hearings through 10/16/87 in DC; 10/27 - 10/30 in San Francisco, CA.	10/13/87	52 FR 29620
Final Action	02/00/88	

Small Entity: Undetermined

Additional Information: INFORMATION REGARDING ITEM #6: Because Public Law 99-499 requires the use of trained workers, there may be some impact or subcontractors who will either need to hire trained employees, than existing employees, or not participate in the cleanup of hazardous wastes.

Affected Sectors: All

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AB13

1564. ● CADMIUM

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910, Table Z-2

Legal Deadline: None.

Abstract: On June 18, 1986, the International Chemical Workers Union and the Public Citizen Health Research Group petitioned OSHA to issue an emergency temporary standard reducing the permissible exposure limit for cadmium to one microgram of cadmium per cubic meter of air. On June 25, 1987 the union and HR 6 filed a petition with the Court of Appeals requesting the Court to order OSHA to promulgate an ETS. In its July 1, 1987, response to the petitioners, OSHA stated that issuance of an emergency standard was not warranted, but that exposure to cadmium at levels permitted under the current standard represented a significant risk to worker health which would be addressed through section 6(b) rulemaking procedures. OSHA is in the process of developing a proposed standard.

Timetable:

Action	Date	FR Cite
Response to Petitioners	07/01/87	
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AB16

1565. ● PERMISSIBLE EXPOSURE LIMIT UPDATE

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1000, Tables Z-1 to Z-3

Legal Deadline: None.

Abstract: In 1972, OSHA promulgated permissible exposure limits (PELs) for a number of toxic substances, pursuant to authority granted by section 6(a) of the Act, which allowed OSHA (for a limited period) to adopt existing Federal standards or industry consensus standards as enforceable OSHA standards. Accordingly, the lists of toxic substances now codified at 29 CFR 1910.1000, Tables Z-1 and Z-3, were Federal standards adopted under the Walsh-Healey Public Contracts Act, which, in turn, were adopted from the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) for 1968. The substances listed at 29 CFR 1910.1000, Table Z-2, were adopted from American National Standards Institute standards. Industrial experience, new developments in control technology, and scientific data acquired since 1968 have led the ACGIH to make changes in its TLVs over the years. Many of the TLVs have been lowered, and limits for additional chemicals have been established. During this period, OSHA has promulgated revised standards for toxic substances on a substance-by-substance basis. This process, however, has not kept up with (Cont'd)

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	10/00/88	

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): the number of changes made by ACGIH. OSHA believes that 29 CFR 1910.1000, Tables Z-1, Z-2 and Z-3 should be updated, as appropriate, to conform with current scientific and technical knowledge. OSHA intends to initiate rulemaking to accomplish this update.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AB17

1566. ● HAZARDOUS MATERIALS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart H

Legal Deadline: None.

Abstract: Standards in 29 CFR Part 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, would be revised to update the existing criteria which is specification oriented and replaced with performance-oriented requirements that address hazardous materials generically. That is, the hazards of material such as flammability, explosiveness, corrosiveness and toxic effects would be addressed by the requirements rather than the specific materials themselves being individually addressed. The proposed action is intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
NPRM	12/00/88	
Final Action	12/00/89	

Small Entity: Undetermined

Additional Information: This action merges two previous actions, "Hazardous Materials-- Flammable and Compressed Gases (Part 1910)" and "Hazardous Materials--Flammable and Combustible Liquids (Part 1910)" and will also include storage and handling of toxic materials.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AB20

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

1567. OCCUPATIONAL EXPOSURES TO TOXIC SUBSTANCES IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None.

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. During this rulemaking, OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific standards. Accordingly, OSHA has proposed a special performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/24/86	51 FR 26660
NPRM Comment Period End	10/22/86	51 FR 26660
Public Hearings	03/24/87	52 FR 1212
Final Action	02/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA00

1568. ETHYLENE DIBROMIDE (EDB)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None.

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public HearingHeld	02/08/84	
Final Action	02/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA06

1569. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.20

Legal Deadline: None.

Abstract: The existing record access rule was promulgated in May 1980. The rule requires employers to preserve and maintain exposure and medical records pertinent to employee exposure to toxic substances, and to ensure access to these records by employees, designated employee representatives and OSHA. As a result of numerous requests and suggestions for changes to the standard, OSHA published a proposal to revise the standard in 1982. OSHA intends to publish soon a final rule that resolves many of the issues raised in the 1982 proposal. This regulation will be similar to the regulation promulgated in 1980 with certain exceptions relating to: (1) first-aid records and medical records of short-term employees; (2) the microfilm storage of employee X-rays; (3) employer trade secrets; (4) employee exposure record requirements for other records; and (5) unconsented access to employee exposure records by union representatives.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
NPRM Comment Period End	09/21/82	
Public Hearing Held	10/05/82	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA15

1570. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702

Legal Deadline: None.

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures of recent years indicate that revision of the existing standard applicable to such construction operations is necessary. The current concrete standard contains outdated referenced standards, gaps in coverage, redundant provisions, and provisions which need clarification. The referenced standards are being updated and placed in the body of the standard. New standards are being added to cover precast concrete erection and masonry wall construction. The provisions that were identified as being redundant are being removed and the

ambiguous provisions are being clarified.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
Comment Period Extended 30 Daysto 12/16/85	10/21/85	50 FR 42571
NPRM Comment Period End	11/15/85	50 FR 37543
Public Hearing Scheduled	04/08/86	51 FR 11945
Public Hearing Rescheduled and Held June 17-18, 1986	05/09/86	51 FR 17203
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA20

1571. GRAIN HANDLING FACILITIES (PARTS 1910 AND 1917)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1910; 29 CFR 1917

Legal Deadline: None.

Abstract: Hazards associated with fires and explosions in grain handling facilities have existed for many years. These hazards continue to exist, and pose a risk of harm to employees working in these facilities. Based on an extensive rulemaking record resulting from a proposed standard for grain handling facilities, OSHA is developing a final rule to mitigate the hazards associated with these facilities. OSHA is carefully considering the record to assure that the scope, application and other provisions of the standard appropriately address the hazards.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/80	45 FR 10732
ANPRM Comment Period End	03/24/80	
NPRM	01/06/84	49 FR 996
NPRM Comment Period End	06/08/84	49 FR 6923
Public Hearings held through 07/12/84	06/12/84	49 FR 6923
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA22

1572. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.66

Legal Deadline: None.

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim. The proposal provides flexibility in compliance through performance-oriented provisions as alternatives to positive engagement. It would also expand the scope of the current standard to include requirements covering additional suspension equipment, fall protection, and employee training.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	48 FR 6368
NPRM	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	50 FR 2890
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Informal Public Hearing	02/20/86	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA33

1573. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t) and (w); 29 CFR 1926.700(b)(1); 29 CFR 1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f)

Legal Deadline: None.

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department

of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA37

1574. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)(PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Legal Deadline: None.

Abstract: The existing standards are being revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standards are too restrictive. In addition, existing language is being rewritten to clarify the requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to 02/17/84	12/19/83	48 FR 56087
Public Hearing Held	03/13/84	
Limited Reopening of Comment Period Until 10/18/85	08/19/85	50 FR 33357
Final Action	03/00/88	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA38

1575. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None.

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA40

1576. SAFETY TESTING/CERTIFICATION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1907, (Revision); 29 CFR 1910, (Revision); 29 CFR 1935, (New); 29 CFR 1936, (New)

Legal Deadline: None. On June 5, 1987, MET Electrical Testing Company sued the Department of Labor with respect to this rulemaking. The agency failed to meet its March 30, 1985 deadline established pursuant to settlement agreement with MET Electrical Testing Company, Inc. The suit is currently pending.

Abstract: This rulemaking would establish procedures for recognizing those competent to fulfill testing and certification requirements contained in many OSHA safety standards. It would also amend a number of existing OSHA standards by deleting references to two product testing groups, UL and FM, that are included in these standards which were originally adopted as national consensus standards under Section 6(a) of the Act. OSHA's unimplemented regulation, Accreditation of Testing Laboratories, 29 CFR Part 1907, would be superseded as a result of these changes.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/83	48 FR 270
ANPRM Comment Period End	03/15/83	48 FR 7204
NPRM	03/06/84	49 FR 8326
NPRM Comment Period End	06/21/84	49 FR 19336
Informal Public Hearing	09/25/84	49 FR 28739
Limited Reopening of Record	11/30/84	49 FR 47049
Final Action	11/00/87	

Small Entity: No

Additional Information: 1. Settlement agreement: MET Electrical Testing Company, Inc. v. Raymond J. Donovan, Secretary of Labor: Civil No. Y-82-1133, in the U.S. District Court for the District of Maryland. 2. ANPR Title: "Accreditation of Testing Laboratories" 3. NPRM Title: "Safety Testing or Certification of Certain Workplace Equipment and Materials (formerly entitled Accreditation of Testing Laboratories)."

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, Washington, D.C. 20210, **202 523-8061**

RIN: 1218–AA42

1577. CRANE OR DERRICK SUSPENDED PLATFORMS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.550

Legal Deadline: None.

Abstract: The use of cranes and derricks to suspend personnel in platforms is a hazardous operation that is not currently covered by OSHA Construction Standards. OSHA has issued administrative instructions on this practice, but this alternative to rulemaking has not been successful. This final rule has been developed to reduce the number of accidents, many of which involve multiple fatalities, that result from equipment inadequacies and failures or improper work practices.

Data to determine the potential costs and benefits from this rulemaking are currently being evaluated by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6280
NPRM Comment Period End	08/10/84	49 FR 25248
Public Hearing Held	09/18/84	
Final Action	02/00/88	

Small Entity: No

Affected Sectors: 15 Building Construction-General Contractors and Operative Builders; 16 Heavy Construction Other Than Building Construction-Contractors; 17 Construction-Special Trade Contractors

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Ave. NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA45

1578. BENZENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-2; 29 CFR 1910.1028

Legal Deadline: None.

Abstract: OSHA has amended its standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's determination that the amendments are needed to reduce the risk of leukemia and other adverse health effects associated with occupational exposure to benzene.

OSHA published its final amendment to the standard on September 11, 1987. Due to technical problems associated with the completion of a detailed study of feasibility in barge and tanker cleaning and repair operations, however, OSHA exempted these operations from certain provisions of the standard. OSHA intends to issue a proposal to amend the benzene standard which will address the factors specific to the barge and tanker cleaning and repair industry.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice Changing Public Hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public Hearings	03/11/86	50 FR 50512
Final Action	09/11/87	52 FR 34460
Final Action Effective	12/10/87	
NPRM on Barge/Tanker Cleaning and Repair Operations	03/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA47

1579. PRESENCE SENSING DEVICE INITIATION OF MECHANICAL POWER PRESSES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.211, (Revision); 29 CFR 1910.217, (Revision)

Legal Deadline: None.

Abstract: This regulatory action will remove an existing provision which prohibits presence sensing device initiation of mechanical power presses, and will add provisions which will enable the presence sensing device initiation to be done safely. Presence sensing device initiation has been identified as presenting potential increases in safety and productivity with an ergonomic advantage of less worker fatigue. A final regulatory impact analysis has been completed. It is estimated that the discounted savings over the first 10 years the standard will be in effect will be approximately $535 million.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12700
NPRM Comment Period End	06/27/85	50 FR 12700
Final Action	10/00/87	

Small Entity: No

Additional Information: A preproposal draft standard was circulated for public comment.

Affected Sectors: Multiple

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA54

1580. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None.

Abstract: The existing standard has been proposed for revision because it contains references to non-government voluntary regulations by topic. The proposal raises several significant issues including: (1) what is the appropriate height limit where the use of ladders as a means of access should be required, and (2) what are appropriate field tests for determining ladder strength. (New Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (Scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.)

DOL—OSHA

Final Rule Stage

This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA57

1581. FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000; 29 CFR 1910.1048; 29 CFR 1910.19

Legal Deadline: None. There is currently no applicable legal deadline. However, OSHA has submitted documents to the U.S. Court of Appeals for the District of Columbia Circuit indicating its intention to complete this regulatory action in November 1987.

Abstract: Studies indicate adverse health effects in humans and animals exposed to airborne formaldehyde at concentrations permitted by OSHA's present standard. In humans, formaldehyde causes reversible sensory irritation of the eyes, nose, and throat, asthma and dermal irritation sensitization. Chronic studies in animals suggest that formaldehyde may also pose a carcinogenic risk in humans. This information indicates that the present OSHA standard for formaldehyde may need revision. On December 10, 1985, OSHA published a proposed standard. Public hearings were held in May 1985. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/85	50 FR 15179
ANPRM Comment Period End	08/15/85	50 FR 15179
NPRM	12/10/85	50 FR 50412
NPRM Comment Period End	03/10/86	50 FR 50412
Public Hearings	05/05/86	51 FR 75842
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA82

1582. ● LEAD (RECONSIDERATION OF THE FEASIBILITY OF COMPLIANCE IN NINE INDUSTRY SECTORS)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1025

Legal Deadline: Judicial, October 1, 1987.

Abstract: On December 11, 1981 (46 FR 60758), OSHA published a Revised Statement of Reasons concerning the feasibility of compliance with paragraph (e)(1) of the standard for occupational exposure to lead, which had been promulgated in 1978. In this revised statement, OSHA stated that it could not reach a conclusion regarding feasibility, on the basis of the existing rulemaking record, for eight specific industry sectors: lead chromate pigments, lead chemicals, nonferrous foundries, brass and bronze ingot production, secondary copper smelting leaded steel, shipbuilding and ship repair, stevedoring, and battery breaking separate from secondary smelting, and that in addition, it wished to reexamine the applicability of the lead standard to the stevedoring industry. OSHA requested that the record (which was under review by the U.S. Court of Appeals for the District of Columbia Circuit) be remanded for supplementary administrative proceedings. The Court granted OSHA's December 1981 request on March 31, 1987, and remanded the record to OSHA for further administrative proceedings to determine the feasibility of section (e)(1) for the nine industry sectors OSHA had (Cont'd)

Timetable:

Action	Date	FR Cite
Reopening of Lead Rulemaking Records	08/03/87	52 FR 28727
End of Comment Period	09/16/87	
Public Hearings	09/29/87	
Final Action	01/00/88	

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): listed. The Court further ordered OSHA to return the record on or before October 1, 1987. On June 17, 1987, OSHA filed with the Court a motion requesting a 90-day extension to January 1, 1988. On July 31, 1987 the Court granted OSHA's motion. OSHA published in the Federal Register on August 3, 1987, a notice of a limited reopening of the rulemaking record (limited to the issue of feasibility) and specified September 2, 1987 for the receipt of comments from the public and September 15, 1987 for public hearings. Thereafter, at the request of industry and labor, OSHA deferred the relevant dates for the rulemaking until September 16 and 29, 1987, respectively.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AB18

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

1583. HAZARDOUS MATERIALS--FLAMMABLE AND COMPRESSED GASES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart H

Legal Deadline: None.

Abstract: The present Subpart H, Hazardous Materials, standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned

to cover many other hazardous materials operations where presently it has no standards. It is the purpose of this revision to consolidate the existing standards for flammable and compressed gases by providing general requirements and specific requirements for selected gases which warrant special attention due to their hazards and uses within the industrial environment. The overall intended effect of the revision is to update and simplify the existing requirements while enhancing employee safety and health.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
Integrated into 1218-AB20 Combined with 1218-AA77 and 1218-AA94	08/11/87	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA31 has been combined with RIN 1218-AA77 and Regulatory Program RIN 1218-AA94.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA31

1584. SCAFFOLDS AND SIMILAR WORK SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.28

Legal Deadline: None.

Abstract: Existing standards for scaffolds and similar working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
Integrated into 1218-AB04 Combined with 1218-AA50	08/11/87	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA46 has been combined with RIN 1218-AA50 in aggregate RIN 1218-AB04 (Walking and Working Surfaces).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, D.C. 20210, **202 523-8061**

RIN: 1218-AA46

1585. LADDERS AND SIMILAR CLIMBING DEVICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30

Legal Deadline: None.

Abstract: Existing standards for ladders and similar climbing devices need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
Integrated into 1218-AB04	08/11/87	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA50 has been combined with RIN 1218-AA46 in aggregate RIN 1218-AB04 (Walking and Working Surfaces).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA50

1586. SERVICING SINGLE PIECE RIM WHEELS (PART 1917)

Significance: Regulatory Program

Legal Authority: 33 USC 941; 29 USC 655

CFR Citation: 29 CFR 1917.44(o), (Revision)

Legal Deadline: None.

Abstract: OSHA has proposed to revise Section 1917.44(o), which currently covers only the servicing of multi-piece rim wheels, to include the servicing of single piece rim wheels. When the general industry rule for single piece rim wheels was issued (02/03/84), the Agency stated its intention to extend the same type of coverage to the maritime industry. The Agency has been petitioned by maritime labor and management groups to initiate this action. The proposal would reference the general industry standard, Section 1910.177, which would now apply to marine terminals in lieu of the current requirements of Section 1917.44(o).

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30230
NPRM Comment Period End	09/24/86	51 FR 30230
Final Action	09/25/87	52 FR 36023
Final Action Effective	10/26/87	

Small Entity: No

Affected Sectors: 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA75

1587. HAZARDOUS MATERIALS--FLAMMABLE AND COMBUSTIBLE LIQUIDS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.106, (Revision)

Legal Deadline: None.

Abstract: Standards for flammable and combustible liquids, contained in 29 CFR 1910, Subpart H, would be revised to update existing criteria and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would address current problem areas as liquid transfer, system leakage, and vapor recovery.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
Integrated into 1218-AB20 Combined with 1218-AA31 and 1218-AA94	08/11/87	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA77 has been combined with RIN 1218-AA31 and Regulatory Program RIN 1218-AA94.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA77

1588. HAZARD COMMUNICATION IN SHIPYARD EMPLOYMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshore and Harborworkers Compensation Act

CFR Citation: 29 CFR 1915.97, (Revision)

Legal Deadline: None.

Abstract: As the shipbuilding and ship repairing industries (SIC 37) were covered under the scope of the Hazard Communication Standard (29 CFR 1910.1200), duplication of regulations existed due to similar requirements in Section 1915.97 dealing with informing employees about hazardous materials. This action proposed to eliminate this duplication in the shipbuilding and ship repairing industries by deleting from 29 CFR 1915.97 those regulations (paragraphs (a), (b) and (d) of section 1915.97) dealing with hazard communication and referencing the Hazard Communication Standard. Shipbreaking, (SIC 44), was to remain under the coverage of section 1915.97(a), (b) and (d). The mandatory use of the OSHA Form 20 (MSDS), currently required by section 1915.97(c), was to be eliminated for all three shipyard industries. In its revised Hazard Communication Standard, published on August 24, 1987, OSHA extended coverage of 29 CFR 1910.1200 to all sectors of shipyard employment, adding a new section 1915.99 and deleting paragraphs (a) and (d) of section 1915.97. Because the purposes of the proposed revisions of section 1915.97 have been accomplished by (Cont'd)

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17991
NPRM Comment Period End	07/15/86	51 FR 17991
Withdrawn	08/27/87	

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): the revised Hazard Communication rule, OSHA is withdrawing the section 1915.97 proposal.

Affected Sectors: 37 Transportation Equipment; 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA88

1589. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655(b); 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.97; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: Judicial, May 29, 1987.

Abstract: This action complies with the May 29, 1987, order of the U.S. Court of Appeals for the Third Circuit directing OSHA to publish "a hazard communication standard applicable to all workers covered by the Occupational Safety Health Act, including those which have not been covered in the hazard communication standard as presently written or a statement of reasons why, on the basis of the present administrative record, a hazard communication standard is infeasible." Because the present administrative record as a whole indicates the hazard communication standard is feasible for all industries, the Agency is complying with the court order by revising the standard, currently applicable to the manufacturing sector, to cover all employers with employees potentially exposed to hazardous chemicals in their workplaces. Expansion of the coverage of the standard requires, among other things, nonmanufacturing employers to establish hazard communication programs to transmit information on the hazards of the chemicals to their employees by means of labels on containers, material safety data sheets and training programs. Interested persons are also invited to submit additional (Cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	50 FR 48794
Final Action	08/24/87	52 FR 31852
Final Action Effective	09/23/87	52 FR 31852
Comment Period End	10/23/87	52 FR 31852

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): information regarding the feasibility or practicability of the rule as it applies to the nonmanufacturing sector and recommendations for further rulemaking by 10/23/87.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AB02

1590. REVISION OF TELECOMMUNICATIONS TRAINING RECORDS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.268(c)

Legal Deadline: None.

Abstract: This regulatory action will revise the current recordkeeping requirement that telecommunications employers maintain a record of employee training (under Subpart R) by

requiring instead that employers certify that an employee has received the appropriate training outlined in the employer-developed training program. This action is being undertaken in compliance with the Paperwork Reduction Act and Section 8(d) of the OSH Act.

Timetable:

Action	Date	FR Cite
NPRM	04/14/87	52 FR 12116
Final Action	09/28/87	52 FR 36384
Final Action Effective	10/28/87	

Small Entity: No

Agency Contact: Mr. Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AB07

1591. REVISION OF CONSTRUCTION INDUSTRY TEST AND INSPECTION RECORDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None.

Abstract: The purpose of this regulatory action is to revise three provisions in Part 1926, Construction Safety and Health Regulations, to allow employers to prepare a record to certify that regulatory requirements have been met instead of requiring employers to maintain extensive and burdensome records of the results and findings of various tests and inspections required in the standards. OSHA is undertaking this action in compliance with the Paperwork Reduction Act of 1980 and Section 8(d) of the OSH Act.

Timetable:

Action	Date	FR Cite
NPRM	04/14/87	52 FR 12120
Final Action	09/28/87	52 FR 36378
Final Action Effective	10/28/87	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, RM N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AB12

[FR Doc. 87-21915 Filed 10-23-87; 8:45 am]

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Monday
October 26, 1987

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD - 211]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin 87-16, the October 1987 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354).

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW., Washington, DC 20520, telephone (202) 647-2350.

Dated: August 20, 1987.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Prerule Stage

1592. ESTABLISHMENT OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: Eventual U.S. ratification of 1973 Convention; providing a Uniform Law on the Form of an International Will; will provide basis for establishing Registry

CFR Citation: 22 CFR 92.81(3), amendment to

Legal Deadline: None.

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention (see 3, above), there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986 with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29).

Timetable:

Action	Date	FR Cite
Hearing of Senate Foreign Relations Committee on the Convention	00/00/00	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, **202 647-3666**

RIN: 1400-AA09

1593. FISHERMEN'S PROTECTIVE ACT PROCEDURES UNDER SECTION 7

Legal Authority: 22 USC 1977

CFR Citation: 22 CFR 33, (Revision)

Legal Deadline: None.

Abstract: This regulation clarifies procedures for the administration of the Fishermen's Guaranty Fund and claims evaluation, under Section 7 of the Fishermen's Protective Act, 22 USC 1971 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Peter H. Flournoy, Attorney-Adviser, Department of State, Office of the Legal Adviser, Washington, DC 20520, **202 647-2282**

RIN: 1400-AA10

1594. REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509, Sec 6104; 31 USC 3801 to 3812

CFR Citation: Not yet determined

Legal Deadline: Statutory, April 21, 1987.

Abstract: Regulations implement the Program Fraud Civil Remedies Act of 1986, which establishes an administrative remedy for fraudulent claims or statements submitted to agencies. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to an agency is liable for a $5,000 penalty and an assessment of double damages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jean Bailly, Attorney Adviser, Department of State, L/M, Room 4427A, 2201 C Street, NW, Washington, DC 20520, **202 647-4446**

RIN: 1400-AA13

1595. ● SOUTH AFRICA AND FAIR LABOR STANDARDS

Legal Authority: 22 USC 5034; 22 USC 5035; 22 USC 5111; 22 USC 5113

CFR Citation: 22 CFR 60; 22 CFR 65

Legal Deadline: None.

Abstract: Executive Order 12532 of September 9, 1985 required U.S. firms operating in South Africa to take good faith measures with respect to certain fair labor standards. A final rule was promulgated for this purpose after receiving public comments. The requirements of this Executive Order were later codified in the Comprehensive Anti-Apartheid Act of October 2, 1986, and amendments to the regulations were promulgated as a final rule on October 22, 1986. The first annual review of the labor practices of U.S. firms is scheduled to be completed in August 1987. The Department of State intends to conduct a review of the regulations after this occurs and to determine whether the regulations and the questionnaire relied on to collect the needed information should be revised.

STATE

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Agency Contact: Robert Bruce, Executive Director, South Africa Fair Labor Standards Program, Department of State, AF/S, Department of State, 2201 C Street, N.S., Washingtor 20520, **202 647-9866**

RIN: 1400-AA19

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

1596. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: 22 CFR 151

Legal Deadline: None.

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of P.L. 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of P.L. 98-164.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: James E. Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, **202 647-3416**

RIN: 1400-AA04

1597. IMPLEMENTATION OF 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Significance: Regulatory Program

Legal Authority: None, until ratification of treaty.

CFR Citation: 22 CFR Not yet determined

Legal Deadline: None.

Abstract: The 1980 Hague Convention provides for the prompt return of children habitually resident in one contracting State who have been wrongfully abducted to another, including wrongful retention by a non-custodial parent. When the United States ratifies the Convention and Congress enacts the federal legislation, the Bureau of Consular Affairs will be tasked by executive order to serve as U.S. Central Authority (CA) under the Convention. Thus it will receive applications for the return of children wrongfully abducted to or retained in the United States. In conjunction with cooperating authorities in the U.S. State where the child is believed to be located, the CA's task will include seeking to locate the child, facilitating the initiation of a court action to require the child's return, arranging for the provision of information about the child's circumstances in the country of its habitual residence, and arranging for the child's return transportation if return is ordered. The President transmitted the convention for advice and consent to ratification by the Senate on October 30, 1985 (Senate Treaty Doc. 99-11). The Senate gave its advice and consent on October 9, 1986.

Timetable:

Action	Date	FR Cite
Senate Advice and Consent to ratification	10/09/86	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Detailed legal analysis of Convention, submitted to Senate Foreign Relations Committee Chairman Lugar (January 1986), was published with Convention text and other documents in the Federal Register of March 26, 1986 (pages 10494 to 10516). Legislation to facilitate implementation of the Convention has been introduced in the Senate (S.1347) and the House (H.R.2673).

Agency Contact: Carmen A. DiPlacido, Dir., Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington. DC 20520, **202 647-3666**

RIN: 1400-AA05

1598. BANKING SERVICES - PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None.

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Government Levels Affected: State, Federal

STATE **Proposed Rule Stage**

Agency Contact: James Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400-AA07

1599. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 136, (new)

Legal Deadline: None.

Abstract: The Department of State will participate in the promulgation of a common regulation that establishes uniform administrative requirements for grants and cooperative agreements to universities, hospitals, and other nonprofit organizations. This effort will revise the current Office of Management and Budget (OMB) Circular A-110 (same title) for the purpose of restoring commonality between A-110 and OMB Circular A-102, "Uniform Administrative Requirements for Grants to State and Local Governments." Under the revised Circular A-102, and as directed by President Reagan on March 12, 1987, all affected agencies have proposed simultaneously common regulations that adopt government-wide terms and conditions. This procedure will be used to implement the revised Circular A-110. No other alternatives are being considered. The rule will be intended to promote consistency and uniformity among the participating agencies.

Timetable:

Action	Date	FR Cite
Notice requesting comments on OMB Circular A-110 review	06/24/87	52 FR 23729
Begin Review	06/24/87	52 FR 23729
NPRM	11/00/88	

Small Entity: Undetermined

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Department of State, Washington, DC 20520, 703 235-9528

RIN: 1400-AA20

1600. ● GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NON-PROCUREMENT)

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 137, (new)

Legal Deadline: None.

Abstract: The Department of State is publishing this rule as an adoption of a common regulation establishing a uniform system of non-procurement debarment and suspension among many Federal agencies. This system is intended to curb fraud, waste, and abuse in non-procurement activities using Federal assistance. Guidelines for the system were developed by a Task Force on Non - Procurement Suspension and Debarment. The task force was convened by the Office of Management and Budget (OMB), pursuant to its responsibilities established by President Reagan under Executive Order 12549, Debarment and Suspension (February 18, 1986). As a Federal agency, the Department of State must either adopt this common rule or promulgate a separate system that meets the requirements of Executive Order 12549.

Timetable:

Action	Date	FR Cite
Notice requesting comments on guidelines	02/21/86	51 FR 06372
Notice setting forth guidelines	05/29/87	52 FR 20360
NPRM	10/20/87	
NPRM Comment Period End	00/00/00	

Small Entity: No

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Department of State, Washington, DC 20520, 703 235-9528

RIN: 1400-AA21

DEPARTMENT OF STATE (STATE) Final Rule Stage

1601. DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c)

CFR Citation: 48 CFR 601 to 653, (New)

Legal Deadline: None.

Abstract: The Department of State is publishing the Department of State Acquisition Regulation (DOSAR) as part of the Federal Acquisition Regulations System, which consists of the Federal Acquisition Regulation (FAR) and agency acquisition regulations that implement or supplement the FAR. This action is necessary to provide regulatory guidelines not otherwise found in the FAR for Department of State acquisitions. There are no other alternatives for addressing the problem; the DOSAR must be established in accordance with FAR Subpart 1.3. By this action, the Department of State will establish a single regulation for its acquisition policies, procedures, contract clauses, solicitation procedures, and forms that govern its relationship with its contractors and prospective contractors.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 19990
NPRM Comment Period End	06/29/87	52 FR 19990
Final Action	09/00/87	
Final Action Effective	09/00/87	
Begin Review	09/00/87	
End Review	00/00/00	

Small Entity: No

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Washington, DC 20520, 202 235-9258

RIN: 1400-AA16

1602. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135, (new)

Legal Deadline: None.

Abstract: The Department of State is publishing this rule to adopt a common regulation that establishes uniform administrative requirements for grants

STATE

Final Rule Stage

and cooperative agreements to state and local governments and federally recognized Indian tribal governments. Office of Management and Budget (OMB) Circular number A-102, "Uniform Requirements for Assistance to State and Local Governments," was reviewed by a task force chaired by OMB for the purposes of revising, clarifying, and simplifying A-102. OMB Circular A-102 directs Federal agencies to promulgate implementing regulations. Toward that end, on March 12, 1987, President Reagan directed all affected agencies to simultaneously propose common regulations that adopt government-wide terms and conditions for this purpose. Therefore, there are no other alternatives for this problem. This rule is intended to promote consistency and uniformity among the participating agencies.

Timetable:

Action	Date	FR Cite
Notice requesting comments on OMB Circular A-102 review	06/18/84	49 FR 24958
Begin Review	06/18/84	49 FR 24958
Notice of proposed, revised grant application and financial reporting forms	05/29/87	52 FR 20187
NPRM	06/09/87	52 FR 21820
NPRM Comment Period End	08/10/87	52 FR 21820
Final Action	03/00/88	
Final Action Effective	03/00/88	

Small Entity: No

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Department of State, Washington, DC 20520, 703 235-9528

RIN: 1400-AA22

DEPARTMENT OF STATE (STATE)

Completed Actions

1603. GUIDELINES FOR EXTRAORDINARY PROTECTION OF FOREIGN MISSIONS

Significance: Agency Priority

CFR Citation: 22 CFR 2(a)

Completed:

Reason	Date	FR Cite
Final Action	08/07/86	51 FR 28391
Final Action Effective	05/15/87	52 FR 12154

Small Entity: Not Applicable

Agency Contact: Sidney Teleford 202 647-2596

RIN: 1400-AA03

[FR Doc. 87-21237 Filed 10-23-87; 8:45 am]

BILLING CODE 4710-08-T

Federal Register

Monday
October 26, 1987

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 87-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated, or for which action has been completed since the last agenda. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 Seventh Street, SW., Washington, DC 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, SW., Washington, DC 20591; the U.S. Coast Guard, which is located at 2100 Second Street, SW., Washington, DC 20593; and the Saint Lawrence Seaway Development Corporation, which is located at 400 Seventh Street, SW., Room 5424, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, 202-366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

Table of Contents

Supplementary Information:
- Background
- Regulatory Flexibility Act
- Definitions
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- Mailing Lists for Regulatory Documents
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- Request for Comments
- Purpose
- Appendix A - Instructions for Obtaining Copies of Regulatory Documents
- Appendix B - General Rulemaking Contact Persons
- Appendix C - Public Rulemaking Dockets

Agenda

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register.** The agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register.** The Department's last agenda was published in the **Federal Register** on April 27, 1987 (52 FR 14547). The next one is scheduled for publication in the **Federal Register** in April 1988.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The heading "Small Entity" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no." If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. A "yes" or "no" will be found under the heading "small entity," for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The agenda covers all rules and regulations of the Department, including

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those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively; that

(1) Is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines requires such an analysis.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget Bulletin No. 86-16 (July 2, 1986).

First, the agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority; or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline; (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities; (9) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a "RIN" number assigned solely to identify an individual action in the agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291,

must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda, in general, or the

Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC on September 21, 1987.

Elizabeth Hanford Dole,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591.

Federal Highway Administration (FHWA)

The FHWA has in the past maintained a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Due to staff and budgetary constraints, it has become necessary to discontinue the availability of this service.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration 400 7th Street, SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any regulatory document to be issued by the NHTSA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the address specified below: (Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street, SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mr. David A. Watson, Training Unit, DHM-51, OHMT/RSPA, 400 7th Street, SW., Washington, DC 20590.

Maritime Administration (MARAD)

Anyone desiring a copy of a MARAD regulatory document referred to in the agenda may request a copy of that document by contacting James Saari, Secretary, Maritime Administration, 400 Seventh Street, SW., [Room 7300B], Washington, DC 20590, (202) 366-5746.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons requesting a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation-related rulemakings.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 2110, 2100 Second Street, SW., Washington, DC 20593. Telephone: 202/267-1477.

FAA - John H. Cassady, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915A, Washington, DC 20591. Telephone: 202/267-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, SW., Room 4223, Washington, DC 20590. Telephone: 202/366-1383.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, SW., Room 8201, Washington, DC 20590. Telephone: 202/366-0767.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street, SW., Room 5219, Washington, DC 20590. Telephone: 202/366-2992.

UMTA - Daniel Duff, Office of Chief Counsel, 400 7th Street, SW., Room 9228, Washington, DC 20590. Telephone: 202/366-4011.

SLSDC - Fredrick A. Bush, General Counsel's Office, 400 7th Street, SW.,

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Room 5424, Washington, DC 20590. Telephone: 202/366-0101.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street, SW., Room 8420, Washington, DC 20590. Telephone: 202/366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street, SW., Room 7300B, Washington, DC 20590. Telephone: 202/366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, SW., Room 10424, Washington, DC 20590. Telephone: 202/366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, SW., Room 2110, Washington, DC 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, SW., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404), Washington, DC 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, SW., Room 5108, Washington, DC 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, SW., Room 9223, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, SW., Room 8426, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, SW., Room 7300, Washington, DC 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1604	+ Review of Department-Wide Drug Regulations	2105-AB24
1605	+ Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1606	+ Certification of Speed-Limit Enforcement	2105-AB22
1607	+ Escrow/Bond Protection for Airline Tickets	2105-AB26
1608	Air Carrier Cargo Tariff Publications	2105-AA31
1609	Overseas Military Personnel Air-Charter Tariffs	2105-AA67
1610	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1611	Direct Flights	2105-AA73
1612	Cargo Rate Changes on 30 Days' Notice	2105-AA99
1613	Comprehensive Review of CAB Consumer Rules	2105-AB03
1614	Price Advertising	2105-AB25

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1615	+ Electronic Filing of Tariffs	2105-AB00
1616	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1617	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1618	+ Commercial Space Transportation: Liability Requirements for Commercial Space Launch Activities	2105-AA26
1619	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
1620	+ Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1621	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1622	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
1623	Airline Time and Mileage Guides	2105-AA39
1624	Diversion of Flights Within a Metropolitan Area	2105-AA78
1625	Baggage Liability Notices in International Air Transportation	2105-AA84
1626	Simplified Airline Counter-Sign Notices	2105-AA88
1627	Update the Department of Transportation Acquisition Regulations to Implement the Competition in Contracting Act as Set Forth in the Federal Acquisition Regulations--Proposed Rules	2105-AB15
1628	Warranty Regulations for Major System Acquisitions of the United States Coast Guard - Proposed Rule	2105-AB16
1629	Names of Air Carriers and Foreign Air Carriers	2105-AB18

DOT

Office of the Secretary—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1630	Counting UMTA Reduced-Fare Program Costs Toward 504 Cost Cap	2105-AB29

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1631	+ Commercial Space Transportation: Licensing Regulations	2105-AA25
1632	+ Public Availability of Information	2105-AA05
1633	+ Nondiscrimination on the Basis of Handicap (Commuter Rail Programs)	2105-AB23
1634	Title VI Civil Rights Regulation	2105-AA02
1635	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1636	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1637	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1638	Minority Business Enterprise Program (Financial Assistance Programs); Counting Credit for Suppliers and Other Service Providers	2105-AA20
1639	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1640	Zones for Airline Mail Rates	2105-AA44
1641	Air Travelers: Age Discrimination	2105-AA45
1642	Policy Statement on Airline Preemption	2105-AA46
1643	Insurance for On-Demand Air-Taxi Operators and Canadian Air Taxis	2105-AA47
1644	Effect of Expiration of a Bilateral on Foreign Air-Carrier Authority	2105-AA68
1645	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1646	Simplified Aviation Exemption Procedures	2105-AA82
1647	Exemption From Prior-Approval Requirements for Certain Transactions	2105-AB20

+ Designates significant regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1648	+ Airline Service Quality Performance	2105-AB28

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1649	+ California Offshore Routing System (83-032)	2115-AB29
1650	+ Imposition of User Fees for Certain Coast Guard Services; Documentation and Licensing (CGD 87-020)	2115-AC74
1651	Casualty Reporting Requirements for Recreational Boats (82-015)	2115-AA82
1652	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1653	Inspected Fish Processing and Fish Tender Vessels (86-026)	2115-AC27
1654	Uninspected Fish-Processing Vessels (86-025)	2115-AC34
1655	SOLAS 74/83 Emergency Drinking Water and Food Approval Requirements (85-202)	2115-AC48
1656	SOLAS 74/83 Revision of Pyrotechnic Distress Signal Approval Requirements (85-203)	2115-AC49
1657	SOLAS 74/83 Revision of Disembarkation Ladder Approval Requirements (85-204)	2115-AC50
1658	SOLAS 74/83 Revision of Hydraulic Release Device Approval Requirements (85-206)	2115-AC52
1659	SOLAS 74/83 Revision of Davit and Winch Approval Requirements (85-207)	2115-AC53
1660	SOLAS 74/83 Radar Reflector Approval Requirements (85-209)	2115-AC54
1661	SOLAS 74/83 Revision of Lifebuoy Approval Requirements (85-210)	2115-AC55
1662	SOLAS 74/83 Revision of Life Jacket Light Approval Requirements (85-211)	2115-AC56

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U.S. Coast Guard—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number

+ Designates significant regulation.

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1663	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1664	+ Mandatory Alcohol and Drug Testing Following Serious Marine Incidents Involving Commercial Vessels (CGD 86-080)	2115-AC62
1665	+ Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116)	2115-AA03
1666	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1667	+ Vessel Bridge-to-Bridge Radiotelephone Communications on the Great Lakes (84-040)	2115-AB89
1668	+ Drug Detection for Merchant Marine Personnel (CGD 86-067)	2115-AC45
1669	+ Regulations for Self-Elevating Offshore Service and Support Vessels (CGD 86-074)	2115-AC63
1670	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1671	Hopper Dredge Working Freeboard - Load Line and Stability Requirements (76-080)	2115-AA11
1672	Miscellaneous Changes to 46 CFR 56 (77-140)	2115-AA17
1673	Crane Operator Qualifications and Standards for Offshore Crane Design, Inspection, Testing, and Operation (79-059)	2115-AA34
1674	Inflatable Liferaft Stability (80-113)	2115-AA50
1675	Maneuvering Performance Regulations (80-136)	2115-AA53
1676	Servicing Inflatable Liferafts (81-010)	2115-AA57
1677	Personal Flotation Devices (81-023)	2115-AA58
1678	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1679	Offshore Supply Vessel Regulations (82-004)	2115-AA77
1680	General Revisions of Pollution-Prevention Regulations for Tankers (82-030)	2115-AA88
1681	Hand Held Flashlights (82-042)	2115-AA91
1682	Aids to Navigation on Outer Continental Shelf (82-054)	2115-AA92
1683	Safety Standards for Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
1684	Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (82-092)	2115-AB21
1685	Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1686	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1687	Hazardous Materials Used as Ship's Stores Onboard Vessels (84-044)	2115-AB65
1688	Oil-Water Interface Detectors (CGD 84-052)	2115-AB66
1689	Licensing of Pilots-Manning of Vessels (84-060)	2115-AB67
1690	Marine Portable Tanks (84-043)	2115-AB69
1691	Personal Flotation Device Components (84-068)	2115-AB70
1692	Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1693	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1694	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1695	Certification of Seamen (84-088)	2115-AC02
1696	Inland Waterway Navigation Regulations; All Waters Tributary to the Gulf of Mexico (85-096)	2115-AC03
1697	Delegation of Authority to United States Classification Societies (85-019)	2115-AC10
1698	Fire Detection and Alarm Systems (85-051)	2115-AC13
1699	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18
1700	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1701	Subchapter "T" Title 46, General Updates and Revisions (85-080)	2115-AC22
1702	46 CFR Subchapter 1. Editorial Revisions and Corrections (86-033)	2115-AC28
1703	Hazardous Substances Pollution Prevention (86-034)	2115-AC29
1704	Updating Approval Requirements for Breathing Apparatus (86-036)	2115-AC30
1705	Revised Approval Specifications for Noncombustibles and Prohibition of Asbestos for Commercial Vessels (86-035)	2115-AC32
1706	Compatibility of Cargoes (86-100)	2115-AC35
1707	Load Lines (86-013)	2115-AC37
1708	Offshore Evacuation Procedures (84-098(b))	2115-AC41
1709	Navigation Bridge Visibility (CGD 85-099)	2115-AC42
1710	Fire Extinguishers (Portable and Semi-Portable) - Revising Approval Specifications and Updating Carriage Requirements (86-072)	2115-AC43
1711	SOLAS 74/83 Life Jacket Approval Requirements Revision (85-200)	2115-AC46
1712	SOLAS 74/83 Lifeboat and Rescue Boat Approval Requirements (85-201)	2115-AC47
1713	SOLAS 74/83 Revision to Inflatable Liferaft Approval (85-205)	2115-AC51
1714	Advance Notice of Arrival (CGD 86-055)	2115-AC58
1715	Measurement of Vessels (87-015 b)	2115-AC67

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U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1716	Posting Requirements on Inspected Vessels (87-031)	2115-AC68
1717	Emergency Position Indicating Radio Beacons for Uninspected Fishing, Fish Processing, and Fish Tending Vessels (87-016)	2115-AC69
1718	Delegation of Authority to Measure Vessels (87-015a)	2115-AC70
1719	Inland Waterway Navigation Rules - San Joaquin and Sacramento River Deep Water Ship Channels (CGD 86-078)	2115-AC77
1720	Port Access Routes; Approach to Freeport, Texas (CGD 87-038)	2115-AC78
1721	Port Access Routes; Approach to Tampa Bay, Florida (CGD 85-097)	2115-AC79
1722	Port Access Routes; Approach to Mobile, Alabama (CGD 86-008)	2115-AC81
1723	Assistance Towing Licenses (CGD 87-017)	2115-AC82

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1724	+ Intervals for Drydocking and Tailshaft Examination on Inspected Vessels (84-024)	2115-AB58
1725	+ Operating a Vessel While Intoxicated (84-099)	2115-AC23
1726	+ Joint U.S.-Canada Vessel Traffic Management Regulations for the Pacific Region (79-131)	2115-AA39
1727	+ Licensing of Maritime Personnel (CGD 81 - 059)	2115-AA64
1728	+ Safety Rules for Vessels Engaged in Chemical Waste Incineration at Sea (84-025)	2115-AB60
1729	Defect Notification and First-Purchaser Information (77-115)	2115-AA16
1730	Liquefied Natural Gas Waterfront Facility (78-038)	2115-AA22
1731	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
1732	Launching Devices for Liferafts (79-168)	2115-AA45
1733	Vital System Automation (CGD 81-030)	2115-AA59
1734	General Bridge Permit Regulations (81-057)	2115-AA61
1735	Safety/Security Zone Regulations	2115-AA97
1736	Anchorage Area Regulations	2115-AA98
1737	Documentation of Vessels; Controlling Interest (82-105)	2115-AB27
1738	Carriage and Use of Liquefied or Nonliquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1739	Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1740	MARPOL Pollution Prevention Regulations (85-026)	2115-AC11
1741	Carriage and Operational Requirements for Inflatable Life Jackets (78-174b)	2115-AC16
1742	U.S. Aid to Navigation Systems (86-031)	2115-AC33
1743	Self-Inspection of Fixed OCS Facilities (CGD 84-098(a))	2115-AC40
1744	Immersion Suits (84-069a)	2115-AC66
1745	Incorporations by Reference, Voluntary Industry Standards (CGD 87-046)	2115-AC72
1746	Electrical System Standard (CGD 87-009)	2115-AC73
1747	Security Measures: Placarding (CGD 87-044)	2115-AC75
1748	York Spit Channel, Chesapeake Bay, Navigation (CGD 86-066)	2115-AC76

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1749	+ Operating a Vessel While Intoxicated: Recreational Vessels (84-099A)	2115-AC24
1750	+ Identification of the Horizontal Datum Referenced in Coast Guard Regulations (86-082)	2115-AC44
1751	Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (77-069)	2115-AA00
1752	Revocation of Military Explosives Regulations (83-006)	2115-AB33
1753	Accommodations, Rails and Guards (84-073)	2115-AB68
1754	Heald Bank Cutoff Safety Fairway (85-062)	2115-AC19
1755	Berwick Bay Vessel Traffic Service (85-076)	2115-AC21
1756	Boating Safety; Fuel System Standard (85-098)	2115-AC36
1757	Great Lakes Pilotage Rates (86-020)	2115-AC38
1758	Coast Guard Auxiliary Ensign (85-073)	2115-AC71

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U.S. Coast Guard—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1759	Shipping Safety Fairways; Approach to New York (CGD 84-004)	2115-AC80

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1760	+ Powered Ultralights: Airman Certification Requirements	2120-AB69
1761	+ Ultralight Aircraft Registration and Marking	2120-AC09
1762	+ Fire Protection Requirements for Cargo and Baggage Compartments - Parts 121 and 135	2120-AC04
1763	+ Terminal Control Areas at 10,000 Feet Mean Sea level (MSL); Mode C Transponders above 10,000 feet MSL	2120-AC52
1764	+ Flight Plan Filing Requirements; National Airspace Review Recommendation	2120-AC56
1765	Review of Medical Standards and Certification Procedures	2120-AA70
1766	Review: Part 21--Certification Procedures for Products and Parts	2120-AB09
1767	Review of Parts 61, 141, 143 - Pilot, Pilot School and Ground Instructor Rules	2120-AB12
1768	Review: Part 121 -- Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
1769	Review: Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28
1770	Review Part 75 for Retention or Revocation	2120-AC55
1771	Part 91, Subpart B, Review for Simplification	2120-AA07
1772	Accelerated Ground Training - Flight Engineers' Skill Requirements	2120-AA79
1773	Instrument Flight Rule Requirements	2120-AA82
1774	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1775	Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction	2120-AB05
1776	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1777	Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records	2120-AB53
1778	Part 157 Review	2120-AB74
1779	Antiblocking Device	2120-AB92
1780	Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
1781	Aircraft Registration; Recording of Aircraft Titles and Security Documents	2120-AC17
1782	Temporary Flight Restrictions	2120-AC40
1783	Alternate Airport Weather Minimum	2120-AC41
1784	Improve Safety and Effectiveness of Islip Airport Radar Service Area (ARSA)	2120-AC47
1785	Global Positioning System Use in Terminal Control Areas	2120-AC54
1786	National Airspace Review Recommendation - Operations in the Vicinity of an Airport	2120-AC57

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1787	+ Review and Revision of Repair Station Requirements	2120-AC38
1788	+ Low-Altitude Windshear Equipment Requirements for Takeoffs/Landings of Transport Category Airplanes	2120-AA01
1789	+ Metropolitan Washington Airports Policy	2120-AA89
1790	+ Revision of Foreign Repair Station Rules	2120-AC50
1791	+ Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems	2120-AA57
1792	+ Airplane Cabin-Fire Protection	2120-AB22
1793	+ Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1794	+ Proposed Department of Energy Prohibited Areas	2120-AB39
1795	+ Elimination of Airport Delays	2120-AB42
1796	+ Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1797	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1798	+ Flight Attendant Flight-Time Limitations and Rest Requirements	2120-AB97
1799	+ SST Stage 3 Compliance	2120-AC22
1800	+ Location of Passenger Emergency Exits in Transport-Category Airplanes	2120-AC29
1801	+ Flight Attendant Requirements During Deplaning and Boarding	2120-AC32
1802	+ Control of Drug and Alcohol Use for Personnel Engaged in Commercial and General Aviation Activities	2120-AC33

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Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1803	+ Installation of Traffic Control Avoidance System in Domestic Transport Category Airplanes	2120-AC34
1804	+ Part 129 Security Program for Foreign Air Carriers	2120-AC42
1805	+ Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes	2120-AC43
1806	+ Improved Access to Type III and Type IV Emergency Exits	2120-AC46
1807	+ Commuter Category Airplanes: Cockpit Voice Recorder (CVR) and Flight Data Recorder (FDR) Requirements	2120-AC48
1808	+ Pilots Convicted of Driving While Intoxicated (DWI)/Under Influence (DUI)	2120-AC51
1809	Part 77 Review, Objects Affecting Navigable Airspace	2120-AA09
1810	Cessna Finance Petition	2120-AA15
1811	Inoperative Instruments or Equipment	2120-AA19
1812	Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1813	Implementation of SAFER Propulsion System Recommendations	2120-AA49
1814	Miscellaneous Amendments	2120-AA50
1815	Aircraft Simulator Use in Airman Training and Certification	2120-AA83
1816	National Airspace Review (NAR): Terminal Airspace Task Group Recommendations	2120-AB02
1817	Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1818	Transport Category Rotorcraft Performance	2120-AB36
1819	Miscellaneous Operational Amendments	2120-AB45
1820	Low-Fuel-Quantity Alerting System	2120-AB46
1821	Part 101 Review Program	2120-AB75
1822	Engine Fuel and Induction Systems	2120-AB76
1823	Amend Section 43.17 to Allow for Maintenance of U.S. Aeronautical Products in Canada in Compliance with the U.S.-Canadian Bilateral Airworthiness Agreement	2120-AB89
1824	Revised One-Engine-Inoperative Ratings for Rotorcraft	2120-AB90
1825	Turbine Burst Protection for Transport Category Helicopters	2120-AB91
1826	Controlled Air Space Designations in International Air Space	2120-AB93
1827	Airspace Reclassification	2120-AB95
1828	Terminal Control Area (TCA) San Diego (Modification)	2120-AB98
1829	Transponder Requirements in Coastal Air Defense Identification Zones (ADIZ)	2120-AB99
1830	Changes Requiring a New Type Certificate	2120-AC05
1831	Part 23 Airworthiness Review, Notice No. 5 (Equipment, Systems, and Installation)	2120-AC14
1832	Part 23 Airworthiness Review, Notice No. 2	2120-AC15
1833	Noise and Emission Standards for Aircraft Powered by Advanced Turboprop (Propfan) Engines	2120-AC20
1834	Rotorcraft Certification Requirements; Coordination with European Airworthiness Authorities Steering Committee (AASC)	2120-AC27
1835	Part 99: Air Defense Identification Zones and Miscellaneous Editorial Revision	2120-AC37
1836	Improved Structural Requirements for Pressurized Cabins and Compartments in Transport Category Airplanes	2120-AC44
1837	Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets	2120-AC45

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1838	+ Update of Part 139	2120-AA10
1839	+ Improved Seat-Safety Standards	2120-AA88
1840	+ Certification of Recreational Pilots and Annual Flight Review	2120-AA54
1841	+ Civil Helicopter Noise Certification	2120-AB33
1842	+ Proposed Revision to Noise Certification Standards for Propeller-Driven Small Airplanes	2120-AB47
1843	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1844	+ Part 23 Airworthiness Review - Notice No. 1 (Crashworthiness)	2120-AC16
1845	+ Terminal Control Area Classification and Pilot/Equipment Requirements	2120-AC35
1846	Revision of Part 91	2120-AA13
1847	Rotorcraft Regulatory Review Program Amendment No. 3	2120-AA28
1848	Standards for Approval of an Automatic Takeoff Thrust Control System	2120-AA46
1849	Transport Category Airplane Airworthiness Standards	2120-AA47
1850	Amend Part 23 to Include Empennage Fatigue Requirements	2120-AA58
1851	Noise Standards: Aircraft Type and Airworthiness Certification	2120-AA74
1852	Rotorcraft Structural Fatigue Including Tolerance to Flaws	2120-AA84
1853	Nighttime VFR Weather Minimums	2120-AB04

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Federal Aviation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1854	Airworthiness Standards: Aircraft Engines, Electrical and/or Electronic Engine Control Systems	2120-AB06
1855	Helicopter Instrument Flight	2120-AB87
1856	Flight Plan and Transponder-On Requirements in Air Defense Identification Zones (ADIZ)	2120-AC00
1857	Aircraft Identification and Retention of Fuel System Modification Records	2120-AC11
1858	Part 150 - Airport Noise-Compatibility Planning	2120-AC19
1859	Mandatory Reporting for Emergency Evacuation Systems and Components	2120-AC49
1860	Part 95 Instrument Flight Rules	2120-AA63
1861	Airworthiness Directives	2120-AA64
1862	Standard Instrument Approach Procedures	2120-AA65
1863	Airspace Actions	2120-AA66

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1864	+ Carry-On Baggage	2120-AC06
1865	+ Protective Breathing Equipment	2120-AB32
1866	+ Charges for Use of Metropolitan Washington Airports	2120-AB48
1867	+ Terminal Control Area Pilot and Equipment Requirements	2120-AC36
1868	+ Minimum Upper Limit for Terminal Control Areas	2120-AC53
1869	Review: Part 67--Medical Standards and Certification	2120-AB13
1870	Review: Part 141--Pilot Schools	2120-AB14
1871	Review: Carriage of Weapons and Other Dangerous Objects at Washington National Airport and Washington Dulles International Airport	2120-AC01
1872	Foreign Air Carriers and Operators of Certain Large U.S.- Registered Airplanes	2120-AA42
1873	Aircraft Fleet Modernization Strategies	2120-AC03
1874	Preflight Assembly of Gliders and Balloons	2120-AC10

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1875	+ Driver's Record of Duty Status; Onboard Recording Devices	2125-AB95
1876	Highway Beautification: Outdoor Advertising: Technical Amendment	2125-AB32
1877	Manual on Uniform Traffic Control Devices; Restructure	2125-AB57
1878	National Standards For Traffic Control Devices; Revision of Part VI of the Manual On Uniform Traffic Control Devices	2125-AB83
1879	Qualification of Drivers; Diabetes	2125-AB91

+ Designates significant regulation.

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1880	+ Federal Motor Carrier Safety Regulations: General	2125-AA34
1881	+ Controlled Substances	2125-AA79
1882	+ Employee Safety and Health Standards	2125-AB50
1883	+ Driving a Motor Vehicle	2125-AB51
1884	+ Truck Size and Weight; Specialized Equipment; Boat Transporters	2125-AB55
1885	+ Semitrailer-Semitrailer; B-Train	2125-AB66
1886	+ Commercial Driver Test and Licensing Standards	2125-AB68

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Federal Highway Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1887	+ Truck Size and Weight; Reasonable Access	2125-AB70
1888	+ Blood Alcohol Concentration Standard for Commercial Vehicle Operators	2125-AB79
1889	+ Truck Size and Weight; Special Permits	2125-AB80
1890	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10
1891	+ Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers	2125-AB62
1892	+ Minimum Levels of Financial Responsibility for Motor Carriers: Self-Insurance	2125-AB65
1893	+ Uniform Relocation Act Amendments of 1987; General	2125-AB85
1894	+ Certification of Speed Limit Enforcement	2125-AC00
1895	Review: General Materials Requirements	2125-AA19
1896	Contract Procedures	2125-AA18
1897	Compliance with Motor Carrier Noise Standards	2125-AA27
1898	Pavement Design Policy	2125-AA88
1899	State Highway Agency Construction Contracts; Equal Opportunity Compliance Review; Program Requirements	2125-AB08
1900	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)	2125-AB15
1901	Federal-Aid Programs Approval and Project Authorization	2125-AB18
1902	Railroad-Highway Projects	2125-AB25
1903	Administration of Contracts	2125-AB30
1904	Right-of-Way	2125-AB58
1905	Property Management, Disposals and Airspace	2125-AB60
1906	Labor and Employment; Convict Labor and Materials	2125-AB82
1907	National Standards For Traffic Control Devices; Revision of Uniform Traffic Control Devices; Passing and No-Passing Zone Standards	2125-AB84
1908	Construction and Maintenance; Contract Procedures; Standardized Contract Clauses	2125-AB87
1909	Truck Size and Weight; National Network	2125-AB98
1910	Manual on Uniform Traffic Control Devices	2125-AA37

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1911	+ Splash/Spray Suppressant Devices on Truck Tractors, Semitrailers and Trailers	2125-AA84
1912	+ Truck Size and Weight; Grandfather Semitrailer Lengths	2125-AB26
1913	+ Truck Size and Weight; Tandem Truck Safety Act	2125-AB28
1914	+ Inspection, Repair, and Maintenance	2125-AB34
1915	+ Hours of Service	2125-AB39
1916	+ Truck Size and Weight; Automobile Transporters	2125-AB42
1917	+ Parts and Accessories Necessary for Safe Operation; General	2125-AB45
1918	+ Safety Fitness Determination	2125-AB46
1919	+ Truck Size and Weight; Specialized Equipment; Maxi-Cube	2125-AB48
1920	+ Qualification of Drivers; Hazardous Materials Drivers	2125-AB64
1921	+ Accommodation of Utilities; Longitudinal Utility Use of Freeway Right-of-Way	2125-AB76
1922	+ Uniform Relocation Act Amendments of 1987; Specific Payments	2125-AB96
1923	Railroad Grade Crossings	2125-AA36
1924	Transfer of Federal-Aid Highway Funds	2125-AA64
1925	Acceleration of Projects	2125-AA87
1926	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
1927	Labor and Employment	2125-AB37
1928	Structural Supports for Highway Signs, Luminaries and Traffic Signals	2125-AB56
1929	Reimbursement for Railroad Work	2125-AB59
1930	National Bridge Inspection Standards; Frequency of Inspection and Inventory	2125-AB71
1931	Cargo Preference	2125-AB73
1932	Minimum Levels of Financial Responsibility for Motor Carriers; Environmental Restoration	2125-AB77
1933	Construction and Maintenance; Contract Procedures	2125-AB88
1934	State Education and Training Program	2125-AB92

+ Designates significant regulation.

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Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1935	+ Federal Motor Carrier Safety Regulations	2125-AB35
1936	+ Truck Size and Weight; Lane Widths	2125-AB43
1937	+ Commercial Driver Licensing Standards; Requirements and Penalties	2125-AB78
1938	+ Environmental Impact and Related Procedures	2125-AA05
1939	Emergency Relief	2125-AA50
1940	Navigational Clearances for Bridges	2125-AB07
1941	Required Contract Provisions	2125-AB20
1942	Agreement Provisions Regarding Overruns in Contract Time	2125-AB49
1943	Landscape and Roadside Development	2125-AB89
1944	Driving of Motor Vehicles; Out-of-Service Criteria	2125-AB90
1945	Bridge Toll Procedures; Rescission	2125-AB97

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1946	+ Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
1947	+ Side Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation	2127-AB85
1948	+ Uniform Tire-Quality Grading	2127-AA52
1949	Review: Schoolbus Seating Systems	2127-AA65
1950	Review: Seating Systems	2127-AA69
1951	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
1952	Review Roof Crush Resistance	2127-AC20
1953	Flammability of School Bus Interior Materials	2127-AA44
1954	Consumer Information - Wet Stopping Distance	2127-AA56
1955	Occupant Protection In Interior Impact	2127-AB16
1956	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AB43
1957	Occupant Crash Protection: Dynamic-Testing Petition	2127-AC00
1958	Non-Pneumatic Tires for Passenger Cars	2127-AC18

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1959	+ Crashworthiness Ratings	2127-AA03
1960	+ Commercial Vehicle Conspicuity	2127-AA12
1961	+ Truck Rear Underride Protection	2127-AA43
1962	+ Pedestrian Protection	2127-AA45
1963	+ Anthropomorphic Test Dummies: Side-Impact Thorax Protection	2127-AA48
1964	+ Splash and Spray Suppression Devices	2127-AA97
1965	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
1966	+ Side Impact Protection: Thorax Protection	2127-AB86
1967	+ Lighting Simplification--Potential Amendments to Simplify FMVSS 108 Lamps, Reflective Devices, and Associated Equipment	2127-AB87
1968	+ 1990-1991 Model Year Light-Truck Fuel-Economy Standards	2127-AC05
1969	+ Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
1970	+ Vehicle Classification	2127-AA57
1971	+ Voluntary Tire Registration	2127-AB18
1972	+ Heavy Trailer Stability	2127-AB42
1973	+ Occupant Crash Protection	2127-AB91
1974	+ Head Restraints	2127-AC06
1975	Passenger Car Brake Systems	2127-AA13
1976	Rearview Mirror Systems: Heavy Vehicles	2127-AA21
1977	Rearview Mirror Systems: Light Vehicles	2127-AA23
1978	Air-Brake Systems	2127-AA27

DOT

National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1979	Procedures for Considering Environmental Impacts	2127-AB79
1980	Voluntary Vehicle Identification Standard (Theft Prevention Standard)	2127-AB93
1981	Anthropomorphic Test Dummies Representing Children	2127-AB94
1982	Glazing Materials	2127-AB98
1983	Anthropomorphic Test Dummies Representing Children	2127-AC09
1984	Anthropomorphic Test Dummies Representing Children	2127-AC10
1985	Federal Motor Vehicle Safety Standard No. 208 - Occupant Crash Protection	2127-AC11
1986	Supplemental FMVSS No. 208 Injury Criteria - Facial Lacerations, Neck Injury, Knee Shear, Tibia and Ankle Injuries	2127-AC12
1987	Mandatory Use of the Part 572(e) Dummy in FMVSS 208 Compliance Testing	2127-AC13
1988	Federal Motor Vehicle Safety Standards No. 205, Glazing Materials	2127-AC14
1989	New Pneumatic Tires for Passenger Cars	2127-AC16
1990	Federal Motor Vehicle Safety Standard No. 221, Schoolbus Body Joint Strength	2127-AC19
1991	Gear Lock; Theft Protection	2127-AC24
1992	Power-Operated Window Systems	2127-AC25

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1993	+ Post-1986 Passenger Car Fuel-Economy Standards	2127-AB75
1994	+ Petitions for Exemption From the Vehicle Theft Prevention Standard	2127-AB81
1995	+ Federal Motor Vehicle Safety Standards; Schoolbus Passenger Seating and Crash Protection	2127-AB84
1996	+ Daytime Running Lights	2127-AB92
1997	+ Occupant Crash Protection: Light-Truck Safety Belt Dynamic Testing	2127-AC01
1998	Steering Control Rearward Displacement	2127-AA32
1999	Motorcycle Helmets	2127-AA40
2000	Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
2001	Consumer Information--Stopping Distance	2127-AA50
2002	Rearview Mirrors	2127-AA88
2003	Hydraulic and Air Brake Systems	2127-AA92
2004	Seat Belt Assembly Anchorages	2127-AA95
2005	Air Brake Systems	2127-AB12
2006	Occupant Crash Protection	2127-AB71
2007	Child Restraint Systems -- Built-in Child Restraints	2127-AB97
2008	Standard No. 112, Headlamp Concealment Devices	2127-AC21
2009	Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC22
2010	Motor Vehicle Brake Fluids	2127-AC26

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2011	Controls and Displays	2127-AA06
2012	Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC23

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2013	+ Review of Radio Communication	2130-AA34
2014	Review: Regulatory Flexibility Act Reviews	2130-AA10

DOT

Federal Railroad Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2015	Review of Locomotive Cab Safety	2130-AA32
2016	Review: Special Safety Inquiry; Power Brake Regulations	2130-AA40
2017	Safety Standards for Cabooses	2130-AA01
2018	Amendments to Regulations Implementing Section 905 of the 4R Act	2130-AA04
2019	Rules of Practice	2130-AA07
2020	Special Safety Inquiry; Rail-Highway Grade Crossing Safety	2130-AA27

+ Designates significant regulation.

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2021	+ Informal Safety Inquiry and Rulemaking; Control of Alcohol and Drug Use in Railroad Operations	2130-AA43

+ Designates significant regulation.

Urban Mass Transportation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2022	+ Maintenance of Equipment and Facilities	2132-AA26

+ Designates significant regulation.

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2023	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01
2024	+ Major Capital Investment Projects	2132-AA22
2025	+ Extension of Safety Requirements to all Federally Assisted Buses	2132-AA24
2026	+ Control of Drug Use in Federally Funded Mass Transportation Operations	2132-AA33
2027	School Bus Operations	2132-AA09
2028	Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
2029	Rolling Stock Purchase Audits	2132-AA29
2030	Bus Testing Guidelines	2132-AA30
2031	Project Management Oversight	2132-AA31
2032	Charter Bus Operations	2132-AA32

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2033	+ Environmental Impact and Related Procedures	2132-AA03
2034	+ "Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15
2035	Innovative Techniques and Methods	2132-AA05
2036	Miscellaneous Amendments - Organization, Functions, and Procedures	2132-AA06
2037	Technology Introduction	2132-AA07
2038	Section 15 Reporting Requirements for Section 9 Apportionment Grants; Penalty Procedures for Noncompliance	2132-AA23

DOT

Urban Mass Transportation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2039	Capital Leases	2132-AA28

+ Designates significant regulation.

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2040	+ Charter Bus Operations	2132-AA04

+ Designates significant regulation.

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2041	+ Gas Gathering Line Definition	2137-AB15
2042	+ OST-FAA Information Rules: Standardized Regulatory Flexibility Requirements	2137-AB16
2043	+ Industry Training for Hazardous Materials Transportation	2137-AB26
2044	+ Hazardous Materials in Intrastate Commerce	2137-AB37
2045	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
2046	Revision of Operating Procedures for Motor Vehicles	2137-AA07
2047	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
2048	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
2049	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
2050	Quality Assurance for Radioactive Materials Shippers	2137-AA30
2051	DOT Specification 51 Portable Tanks	2137-AA36
2052	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
2053	Revision of the IM Tank Table	2137-AA64
2054	Rewrite and Recodification of Section 173.34	2137-AA73
2055	Airline Revenue/Nonrevenue, First Class/Coach Passengers: Revised Definitions	2137-AB00
2056	Subsidized Commuter Carriers and Foreign Air Carriers: Records and Retention Periods	2137-AB04

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2057	+ Performance-Oriented Packaging Standards	2137-AA01
2058	+ Collection of Service Segment Data and Charter Data from Foreign Air Carriers	2137-AA97
2059	+ Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2137-AA99
2060	+ Collection of Service Segment Data and Charter Data from U.S. Air Carriers	2137-AB01
2061	+ Confidentiality of Parts 241 and 298 Airline Reports	2137-AB05
2062	+ State Pipeline Safety Inspector Standards	2137-AB28
2063	+ Recodification of Explosive Regulations	2137-AA93
2064	+ Proposals for Pipeline Safety	2137-AB27
2065	+ Pipeline Operator Qualifications	2137-AB38
2066	Review: Consolidation of Specifications for High-Pressure Seamless Cylinders	2137-AA92
2067	Definition of a Flammable Solid	2137-AA05
2068	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
2069	Emergency Response Communication Standards	2137-AA88
2070	Collection of Financial Information from the Commuter Air Carrier Industry	2137-AA98
2071	Exception from Pressure Testing Non-Welded Tie-In Joints	2137-AB19
2072	Confirmation or Revision of Maximum Allowable Operating Pressure; Alternate Method	2137-AB20
2073	Transportation of Natural and Other Gas by Pipeline; Miscellaneous Amendments	2137-AB22

DOT

Research and Special Programs Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2074	Reporting Unsafe Conditions on Gas and Hazardous Liquid Pipelines	2137-AB23
2075	Deletion of Standards Affecting Iron and Copper Pipe and Other Materials	2137-AB24
2076	Enforcement of Motor Carrier Financial Responsibility Requirements	2137-AB35
2077	Standards for Construction of Fireworks and Approval for Transportation	2137-AB36

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2078	+ Requirements for Cargo Tanks	2137-AA42
2079	+ Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
2080	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
2081	Odorization of LP Gas	2137-AA25
2082	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2083	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
2084	Limitation Aboard Aircraft	2137-AA85
2085	Hazardous Materials: Uranium Hexafluoride	2137-AB10
2086	Molten Sulfur; Molten Materials Generally	2137-AB31
2087	State Designations of Alternative Routes for Radioactive Materials Transportation	2137-AB32
2088	Notification to RSPA of Route Plans for Radioactive Materials Transportation	2137-AB33
2089	Rear Bumpers on Cargo Tank Trucks	2137-AB34

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2090	+ Review of the Form 41 Report of Financial and Operating Statistics for Large Certificated Air Carriers	2137-AA96
2091	+ Confidential Treatment: Aviation Economics - Related Material	2137-AB02
2092	+ Performance-Oriented Classification and Packaging Standards for Explosives and Blasting Agents	2137-AB25
2093	Confirmation or Revision of Maximum Allowable Operating Pressure Near Certain Occupied Buildings or Outside Areas	2137-AA62
2094	Gas Pipeline Damage Prevention Program	2137-AA71
2095	Bulk Packagings and Miscellaneous Rule Changes	2137-AA90
2096	Fire Protection and Security of Liquefied Natural Gas Facilities	2137-AB13

+ Designates significant regulation.

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2097	+ Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA57
2098	+ Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA62
2099	Statistical Data for Use In Operating-Differential Subsidy (ODS) Application Hearings	2133-AA16

+ Designates significant regulation.

DOT

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2100	+ Approval of Marine Hull Underwriters	2133-AA50
2101	+ Cargo Preference - Implementation of P.L. 99-198	2133-AA55
2102	Review: War Risk Insurance	2133-AA54
2103	Rules of Practice and Procedures for Hearing in ODS Applications	2133-AA20
2104	Requirements for Conducting Vessel Subsidy Condition Surveys and for Accomplishing Subsidized Vessel Maintenance and Repairs	2133-AA64

+ Designates significant regulation.

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2105	+ Cargo Preference U.S.-Flag Vessels; Determination of Fair and Reasonable Rates for Liner Vessels	2133-AA02
2106	+ Cargo Preference, U.S.-Flag Vessels: Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2107	+ Cargo Preference, U.S.-Flag Vessels: Evaluation of Bids for Subsidized Liner Vessels	2133-AA52
2108	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2109	Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements	2133-AA51

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2110	+ Notice of Intent to Redesignate Essential Trade Routes	2133-AA44
2111	+ Construction-Differential Subsidy Repayment	2133-AA61
2112	Review of All MARAD Program Regulations	2133-AA56
2113	Documentation, Transfer or Charter of Vessels; Amendment of Processing Procedures for Certain Applications	2133-AA59
2114	Regulations Governing Public Buildings and Grounds at the U.S. Merchant Marine Academy	2133-AA60
2115	Admission and Training of Midshipmen at the United States Merchant Marine Academy; Pay Increase	2133-AA63

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Prerule Stage

1604. + REVIEW OF DEPARTMENT-WIDE DRUG REGULATIONS

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Department will review existing regulations to determine whether changes are necessary for each of the Modal Administrations' drug regulations. The Department seeks to address the use of drugs through its regulatory authority. The review will encompass each Modal Administration's program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Samuel E. Whitehorn, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, Regulations and Enforcement, 400 7th St., SW, Washington, DC 20590, 202 366-9307

RIN: 2105-AB24

1605. + CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating

authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368	07/25/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA98

1606. + CERTIFICATION OF SPEED-LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 118; 23 USC 315

CFR Citation: 23 CFR 659; 49 CFR 1.50; 49 CFR 1.48

Legal Deadline: None.

Abstract: The Department will review the existing 55 MPH procedural regulations to determine if they can be made more efficient and to update the regulation where necessary. Provisions addressing the effect of future compliance (for a State found not to be in compliance in a given fiscal year) on the reinstatement of funds withheld will also be reviewed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: State

Agency Contact: Sam Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9307**

RIN: 2105-AB22

1607. + ESCROW/BOND PROTECTION FOR AIRLINE TICKETS

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This petition, filed by Mr. Theodore Harris, addresses the problem of airline passengers whose airline goes bankrupt after they bought their ticket but before they use it. The petitioner asks that airlines be required to protect such "unearned revenue" by escrowing it or by posting a bond in an amount equal to 150% of average unearned revenue. Exemptions could be granted to airlines which file evidence of ticket insurance plans or which enter into agreements with other airlines to accept the tickets of bankrupt carriers.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 44304)	08/27/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AB26

1608. AIR CARRIER CARGO TARIFF PUBLICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Legal Deadline: None.

Abstract: This petition proposes to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Petitioners alleged that such a change would substantially reduce the cost and time burden of maintaining and continually updating voluminous files of current and past tariffs at each location. Further action on the proposal will depend on developments in rulemaking docket 43343, Electronic Filing of Tariffs, RIN 2105-AB00.

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: Petition under consideration.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105-AA31

1609. OVERSEAS MILITARY PERSONNEL AIR-CHARTER TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Legal Deadline: None.

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer-protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA67

1610. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Significance: Nonsignificant

DOT—OST

Prerule Stage

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA70

1611. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA73

1612. CARGO RATE CHANGES ON 30 DAYS' NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Legal Deadline: None.

Abstract: This rule would amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff-filing requirements. Standardization of the regulatory tariff-filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, **202 366-2414**

RIN: 2105-AA99

1613. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6 and 297.30; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G

Legal Deadline: None.

Abstract: The Civil Aeronautics Board was an independent agency; its rules have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such as those that impose an unnecessarily high cost or those with paperwork burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Nonregulatory approaches, including the supplying of information by the Government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed. This review is a priority because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	
Next Action Undetermined		

Small Entity: Yes

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

Agency Contact: William C. Boyd, Senior Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 5102, Washington, DC 20590, **202 366-1053**

RIN: 2105-AB03

1614. PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None.

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 43147)	05/22/85	
Next Action Undetermined		

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of

DOT—OST **Prerule Stage**

the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AB25

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Proposed Rule Stage

1615. + ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: DOT will examine whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and telecommunications technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the Government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data. In order to assure that users' needs are taken into consideration and that the private sector is involved to the maximum extent in the design, implementation, and operation of such a system, the Department established an Advisory Committee to make continuing recommendations on technical, operational, and policy objectives of the electronic tariff system.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period End	11/18/85	
Federal Register Notice establishing Advisory Committee	11/24/86	51 FR 42327

Next Action Undetermined

Small Entity: Undetermined

Additional Information: As a consequence of discussions with the Committee the Department is planning to experiment with existing data base and electronic mail systems, to determine whether any such systems can fulfill Departmental requirements for an electronic tariff system.

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2414**

RIN: 2105–AB00

1616. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f); PL 100-17, Sec 106(c)

CFR Citation: 49 CFR 23

Legal Deadline: None.

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 extended and modified the program as applied to FHWA and UMTA; similar legislation is currently under consideration in Congress for the FAA. The DOT intends to publish final rule to make the changes required by the 1987 Act and subsequently issue an NPRM that would propose further changes in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM make interim amend to final rule, pend. revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457
NPRM	12/15/87	
NPRM Comment Period End	03/15/88	

Small Entity: Yes

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA04

1617. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Agency Priority

Legal Authority: 29 USC 794; Section 404(a) of the Federal Aviation Act of 1958, as amended

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: Statutory, January 30, 1987.

Abstract: The Civil Aeronautics Board (CAB) has a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. The Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans of America held that Section 504 of the Rehabilitation Act of 1973 does not apply to nonsubsidized air carriers. This decision left the existing regulation intact. The Air Carrier Access Act of 1986 directed DOT to publish new regulations prohibiting disability-based discrimination in air travel. The Department will use comments received

in response to its August 1986 information notice on issues affecting blind passengers as part of the record for this rulemaking. The Department has convened an advisory committee and is pursuing this rulemaking through a negotiated rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	12/07/87	
Final Action	04/30/88	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA18

1618. + COMMERCIAL SPACE TRANSPORTATION: LIABILITY REQUIREMENTS FOR COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Agency Priority

Legal Authority: PL 98-575, Secs 15(c) and 16 Commercial Space Launch Act

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Persons authorized to conduct commercial launch activities by a license issued by OCST are required to have in effect at least that amount of third-party liability insurance prescribed by DOT for the licensed activity. In addition, launch firms must secure an amount of insurance, or offer other assurance, that will be adequate to protect the Government when its property or personnel are directly involved in the conduct of commercial launch activities. Rulemaking sets out the criteria OCST will consider in setting the appropriate amount of third-party liability and other insurance firms subject to its authority must carry.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280

Next Action Undetermined

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, Commercial Space Transportation, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9305**

RIN: 2105-AA26

1619. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None.

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken.

Timetable:

Action	Date	FR Cite
NPRM (EDR-439/SPDR-86, Docket 40336)	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
Reply Comment Period End	05/10/82	
NPRM	04/12/83	48 FR 15639
NPRM (EDR-456/SPDR-88, Docket 40336)	04/12/83	48 FR 15639
NPRM Comment Period End	06/13/83	
Reply Comment Period End	06/28/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA41

1620. + SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Legal Deadline: None.

Abstract: This rule would inform passengers of their right to a seat in a nonsmoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing.

Timetable:

Action	Date	FR Cite
NPRM (EDR-449, Docket 41009)	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA72

1621. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION—STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Significance: Nonsignificant

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(a)

Legal Deadline: None.

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant

because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review.

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4754**

RIN: 2105–AA06

1622. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None.

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset." A CAB NPRM that was being developed on this subject will be subsumed in this project. A draft NPRM is now being reviewed by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	

Small Entity: Undetermined

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA29

1623. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-448, Docket 41034)	10/27/82	47 FR 47599

Next Action Undetermined

Small Entity: No

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2414**

RIN: 2105–AA39

1624. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; ...

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None.

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM (EDR-468/PSDR-81, Docket 41683)	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
Reply Comment Period	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA78

1625. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM (EDR-477, Docket 41690)	12/18/84	49 FR 4911

DOT—OST

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Timothy Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA84

1626. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None.

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM (EDR-474, Docket 41971)	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA88

1627. UPDATE THE DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATIONS TO IMPLEMENT THE COMPETITION IN CONTRACTING ACT AS SET FORTH IN THE FEDERAL ACQUISITION REGULATIONS--PROPOSED RULES

Significance: Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59; PL 98-369, Title VII

CFR Citation: 48 CFR 1201, (Revision)

Legal Deadline: None.

Abstract: The Competition in Contracting Act (CICA) P.L. 98-369, effective April 1, 1985, makes major changes in the structure and control of the Federal acquisition process. These changes have been effected by the Federal Acquisition Regulation (FAR). The intent of the update of the Department's acquisition regulation is to implement the FAR coverage of CICA where required, and make other changes necessary to implement FAR changes through Federal Acquisition Circular #14.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	

Small Entity: Yes

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4271

RIN: 2105-AB15

1628. WARRANTY REGULATIONS FOR MAJOR SYSTEM ACQUISITIONS OF THE UNITED STATES COAST GUARD - PROPOSED RULE

Significance: Nonsignificant

Legal Authority: PL 98-473

CFR Citation: 48 CFR 1246

Legal Deadline: None.

Abstract: This rulemaking would establish the regulations for Coast Guard warranties that shall be included in all contracts with prime contractors for major system acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	

Small Entity: Undetermined

Agency Contact: Roger Martino, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4271

RIN: 2105-AB16

1629. NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1381; 49 USC 204(a); 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 215, (Revision)

Legal Deadline: None.

Abstract: The Department must now routinely decide issues of name similarity whenever an airline wishes to use a different name for its operations or a new applicant wishes to use a name for its proposed operations. The issue arises even where there is no evidence that use of a certain name will cause or has caused confusion with an existing name. The current rule is duplicative of other statutes. The issue can be decided privately without routine, active government intervention, or can be handled on a case-by-case basis. The proposed rule would 1) delete specific criteria for decisions on name cases, 2) emphasize ad hoc enforcement, and 3) change the rule to make it a form of registration. Removal of routine intervention would reduce delay in applications for name changes. It would not result in less protection for travelers when there is a real need for action.

Timetable:

Action	Date	FR Cite
NPRM	02/25/87	52 FR 5547
NPRM Comment Period End	04/27/87	52 FR 5547

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Joseph Brooks, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9349

RIN: 2105-AB18

DOT—OST

Proposed Rule Stage

1630. ● COUNTING UMTA REDUCED-FARE PROGRAM COSTS TOWARD 504 COST CAP

Significance: Nonsignificant

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27

Legal Deadline: None.

Abstract: The Department is considering whether or not to eliminate a provision in its rule concerning mass transit services for disabled persons, which permits incremental expenditures by recipients for the off-peak, reduced-fare program for elderly and handicapped passengers on mainline mass transit services to be counted in the calculation of the three-percent limit on required expenditures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Robert Ashby, Deputy Ass't General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AB29

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Final Rule Stage

1631. + COMMERCIAL SPACE TRANSPORTATION: LICENSING REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 98-575

CFR Citation: 14 CFR 400 to 415

Legal Deadline: None.

Abstract: The rulemaking addresses the general organization and procedures of the Office of Commercial Space Transportation and the review procedures and information requirements pertaining to launch license applications. The final regulations will identify the general factors the government will consider, in the absence of published technical standards, in the course of determining whether to grant a launch license request. The process identified in the final regulations will set out in greater detail the two-part process initially described in the Department's Notice of Policy published in the Federal Register on February 25, 1985. That process consists of a Mission Review, focusing on national security and foreign-policy issues, and a Safety Review, focusing on public safety issues. The final regulations will contain revisions that will respond to comments received by the Department on the interim regulations published February 26, 1986. These regulations are significant because they involve issues of substantial interest to the public and important DOT policies.

Timetable:

Action	Date	FR Cite
Notice of Policy and Request for Comments	02/25/85	
Comment Period on Notice 02/25/85 to	04/26/85	
Interim Final Rule	02/26/86	51 FR 6870
Comment on Interim Final Rule 02/26/86 to	04/28/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, Commercial Space Transportation, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9305**

RIN: 2105-AA25

1632. + PUBLIC AVAILABILITY OF INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 49 CFR 7

Legal Deadline: Statutory, April 27, 1987. The Freedom of Information Act of 1986, Pub. L. 99-570, Title I, Subtitle Q, requires agencies to promulgate regulations implementing the Act's new fee schedule, and establish guidelines for fee waivers within 180 days after the date of enactment.

Abstract: This involves a revision of DOT's Freedom of Information Act regulations. Specific areas addressed include fees to be charged for search and reproduction costs and the establishment of more precise criteria to enable the Department to determine when a waiver of fees is in the public interest. It also addressed records relating to those functions of the Civil Aeronautics Board that were transferred to the Department . This rulemaking is significant because of substantial public interest. It is needed to comply with recent statutory changes, including OMB and Department of Justice guidance, and periodic revisions to keep current with policy changes.

Timetable:

Action	Date	FR Cite
NPRM	11/12/85	50 FR 42049
NPRM Comment Period End	12/16/85	
SNPRM/Interim Final Rule	01/16/87	52 FR 1992
Comment Period End	02/17/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Additional Information: Further, the timeframe for a supplemental NPRM addressing PUB. L. 99-570 (fee schedule, fee waiver and law enforcement provisions) is in accordance with statutory requirements and cognizant of soon to be published OMB guidelines.

Agency Contact: Rebecca H. Lima, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4542

RIN: 2105-AA05

1633. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (COMMUTER RAIL PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27, Subpart E

Legal Deadline: None.

Abstract: This notice asks comment on several alternatives for providing accessible commuter rail service, or a substitute for it, to disabled persons. The notice also requests information on the likely ridership and cost effects of the alternative approaches suggested in the notice. Comments have been received and are being reviewed. Studies have been received or are expected to be received in the near future. Final actions being considered include a number of alternatives spelled out in the notice, including various regulatory steps and taking no further regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 19032
NPRM Comment Period End	09/22/86	
Final Action	10/15/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AB23

1634. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None.

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	12/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4754**

RIN: 2105-AA02

1635. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None.

Abstract: As part of the NPRM that proposed its minority business program rule (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program. The Department intends to withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
Withdraw Proposed Rule	09/00/87	

Small Entity: No

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Analysis: Regulatory Evaluation 05/17/79

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA03

1636. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Legal Deadline: None.

Abstract: Title V of Pub. L. 95-134 permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. This proposal is being withdrawn because of problems concerning legal requirements with changing grant conditions.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765
To be withdrawn	10/00/87	

Small Entity: No

Agency Contact: Jack Bennett, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9669**

RIN: 2105-AA08

1637. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Legal Deadline: None.

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
Final Action	12/00/88	

Small Entity: No

DOT—OST

Final Rule Stage

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5992**

RIN: 2105-AA09

1638. MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS); COUNTING CREDIT FOR SUPPLIERS AND OTHER SERVICE PROVIDERS

Significance: Nonsignificant

Legal Authority: 42 USC 2000d; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f), Surface Transp. Assist. Act of 1982

CFR Citation: 49 CFR 27.47(e)(f)

Legal Deadline: None.

Abstract: The current DOT MBE rule provides that recipients and contractors may receive a maximum of 20 percent credit for the cost of goods purchased from MBE suppliers who do not manufacture the goods. The Department is considering regulatory changes to correct unintended anomalies that may have resulted from this approach. The Department published an NPRM on this rule October 3, 1985, and now anticipates taking final action as part of a final rule to be issued to implement section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987. (See entry for RIN 2105-AA04)

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40422
Final Action	10/00/87	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA20

1639. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None.

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM (EDR-405, Docket 37169)	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA40

1640. ZONES FOR AIRLINE MAIL RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Legal Deadline: None.

Abstract: This proposed rule would end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by DOT, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. The rule is now moot with regard to domestic mail rates except in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	09/07/79	44 FR 52246
NPRM (EDR-387/PDR-68, Docket 36497)	09/07/79	44 FR 52246
NPRM Supplemental (EDR-387C/PDR-68C)	12/18/80	45 FR 83510
Comment Period End	02/17/81	
NPRM Supplemental	12/15/85	
Final Action	10/15/87	

Small Entity: No

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105-AA44

1641. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None.

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-74, Docket 36639)	09/26/79	44 FR 55383
Final Action adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA45

DOT—OST

Final Rule Stage

1642. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9953
Interim Final Rule (PS-83, Docket 34684)	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	
Final Action	03/31/88	

Small Entity: Yes

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105-AA46

1643. INSURANCE FOR ON-DEMAND AIR-TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None.

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-395, Docket 37531)	02/04/80	45 FR 7566
NPRM (EDR-395B, Docket 37531)	10/27/81	46 FR 52585
NPRM Comment Period End	12/28/81	
Reply Comment Period End	01/18/82	
NPRM (EDR-395C, Docket 37531)	03/10/83	48 FR 10073
Comment Period End	05/17/83	
Final Action	04/30/88	

Small Entity: Yes

Agency Contact: John Hokanson, Chief, Regulatory Analysis Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1035**

RIN: 2105-AA47

1644. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR-CARRIER AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Legal Deadline: None.

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. Further review has determined the contemplated change is unwarranted.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	08/02/83	
To be withdrawn (SPDR-89 and SPDR-89A, Docket 41497)	11/00/87	

Small Entity: No

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 6412, Washington, DC 20590, **202 366-2388**

RIN: 2105-AA68

1645. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None.

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM (PDR-87, Docket 41855)	12/21/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9154**

RIN: 2105-AA77

1646. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None.

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements. The Department is evaluating comments received.

DOT—OST — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM (PDR-88/ODR-27/PSDR-83)	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
Final Action	12/01/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Nancy Trowbridge, (202) 366-2406.

Agency Contact: Gwyneth Radloff, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9305**

RIN: 2105-AA82

1647. EXEMPTION FROM PRIOR-APPROVAL REQUIREMENTS FOR CERTAIN TRANSACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1303; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1388; 49 USC 1551

CFR Citation: 14 CFR 303

Legal Deadline: None.

Abstract: The Department is reviewing current aviation-merger procedural regulations to reduce regulatory obstacles to air carrier acquisitions of other air carriers.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 17490
NPRM Comment Period End	06/12/86	
Final Action	03/00/88	

Small Entity: No

Agency Contact: George Baranko, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5621**

RIN: 2105-AB20

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions
Office of the Secretary (OST)

1648. ● + AIRLINE SERVICE QUALITY PERFORMANCE

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1377; 49 USC 1381

CFR Citation: 14 CFR 234; 14 CFR 255

Legal Deadline: None.

Abstract: Certain large air carriers are required to report data on flights serving specified airports and data on mishandled baggage to the Department. They also must provide an on-time performance summary by flight to computerized reservation system (CRS) vendors for display in primary CRS screens. Disclosure of this information should reduce consumers' frustration with delays, since carriers will have the incentive to construct more realistic schedules and correct baggage-handling problems within their control.

Timetable:

Action	Date	FR Cite
NPRM	06/10/87	52 FR 22046
NPRM Comment Period End	07/10/87	52 FR 22046
Final Rule amended to delete termination date	09/09/87	52 FR 34077
Final Action	09/09/87	52 FR 34056
Final Action Effective	09/09/87	52 FR 34056

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Sam Whitehorn/Gwyneth Radloff, Attorneys, Department of Transportation, Office of the Secretary, 400 Seventh St, SW, Washington, DC 20590, **202 366-9307**

RIN: 2105-AB28

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage
U.S. Coast Guard (USCG)

1649. + CALIFORNIA OFFSHORE ROUTING SYSTEM (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None.

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking is still in the early stage of development with the Minerals Management Service and DOT.

Analysis: Regulatory Impact Analysis

Agency Contact: LTJG D. Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0364**

RIN: 2115-AB29

DOT—USCG

Prerule Stage

1650. ● + IMPOSITION OF USER FEES FOR CERTAIN COAST GUARD SERVICES; DOCUMENTATION AND LICENSING (CGD 87-020)

Significance: Agency Priority

Legal Authority: PL 99-509

CFR Citation: 46 CFR 169; 46 CFR 175

Legal Deadline: None.

Abstract: This proposal would enumerate selected Coast Guard services for which user fees would be charged, indicate how the charges are to be charged, indicate how the charges are to be made, and how they are to be paid. User fees are being considered for the following services to small passenger vessels and sailing school vessels: initial inspection for certification, inspection for certification, reinspection, drydock examination, licensing/certification, and documentation.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 11/00/87

Agency Contact: LCDR Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1483**

RIN: 2115-AC74

1651. CASUALTY REPORTING REQUIREMENTS FOR RECREATIONAL BOATS (82-015)

Significance: Nonsignificant

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None.

Abstract: Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents, by raising the threshold for requiring an accident report from $200 to $500.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 82-015.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0979**

RIN: 2115-AA82

1652. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164

Legal Deadline: None.

Abstract: Requests comments on the International Maritime Organization resolution to require ARPA training for all masters, chief mates, and officers in charge of a navigational watch. Regulatory action may follow depending on public comments.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 53316
ANPRM Comment Period End	12/23/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Robert Spears Jr., Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0224**

RIN: 2115-AB99

1653. INSPECTED FISH PROCESSING AND FISH TENDER VESSELS (86-026)

Significance: Nonsignificant

Legal Authority: 46 USC Subtitle II; PL 98-364

CFR Citation: 46 CFR 105

Legal Deadline: None.

Abstract: This rulemaking project will implement the provision of the Commercial Fishing Industry Vessel Act which requires development of regulations reflecting the specialized nature and economics of fish processing and fish tender vessel operations.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: LCDR W. J. Morani, Jr., Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-1053**

RIN: 2115-AC27

1654. UNINSPECTED FISH-PROCESSING VESSELS (86-025)

Significance: Nonsignificant

Legal Authority: 46 USC 4502 (a)

CFR Citation: 46 CFR 27

Legal Deadline: None.

Abstract: This rulemaking project would implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations for uninspected fish processing vessels that enter into service after December 31, 1987 and carry more than 16 persons who are primarily employed in the preparation of fish products.

Timetable:

Action	Date	FR Cite
ANPRM	07/09/87	52 FR 25890
Correction to ANPRM	08/10/87	52 FR 29556
ANPRM Comment Period End	09/08/87	52 FR 25890

Small Entity: Undetermined

Agency Contact: LCDR W. J. Morani, Jr., Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-1056**

RIN: 2115-AC34

1655. SOLAS 74/83 EMERGENCY DRINKING WATER AND FOOD APPROVAL REQUIREMENTS (85-202)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for emergency drinking water and food meeting the 1983 Amendments to the Safety of Life at Sea Convention.

DOT—USCG

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Ms. Lissa Martinez, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC48

1656. SOLAS 74/83 REVISION OF PYROTECHNIC DISTRESS SIGNAL APPROVAL REQUIREMENTS (85-203)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for pyrotechnic distress signals meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: LCDR W. Riley, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC49

1657. SOLAS 74/83 REVISION OF DISEMBARKATION LADDER APPROVAL REQUIREMENTS (85-204)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for disembarkation ladders meeting the 1983 Amendments to the Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: LCDR W. Riley, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC50

1658. SOLAS 74/83 REVISION OF HYDRAULIC RELEASE DEVICE APPROVAL REQUIREMENTS (85-206)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for hydraulic releases meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC52

1659. SOLAS 74/83 REVISION OF DAVIT AND WINCH APPROVAL REQUIREMENTS (85-207)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for davits and winches meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC53

1660. SOLAS 74/83 RADAR REFLECTOR APPROVAL REQUIREMENTS (85-209)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for radar reflectors meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: LCDR W. Riley, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC54

1661. SOLAS 74/83 REVISION OF LIFEBUOY APPROVAL REQUIREMENTS (85-210)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for lifebuoys meeting the 1983 Amendments of the 1974 Safety of Life at Sea Convention.

DOT—USCG

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Samuel Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC55

1662. SOLAS 74/83 REVISION OF LIFE JACKET LIGHT APPROVAL REQUIREMENTS (85-211)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 161

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirement for life jacket lights meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: LCDR W. Riley, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC56

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Proposed Rule Stage

1663. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146

Legal Deadline: None.

Abstract: Would modify 33 CFR Subchapter N by extending coverage of workplace safety rules and by modernizing material standards for fixed platforms.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	09/03/85	50 FR 20445

Next Action Undetermined

Small Entity: No

Additional Information: CGD 84-098(a) Self-inspection of Fixed OCS Facilities separated from CGD 84-098. CGD 84-098(b) Offshore Evacuation Procedures separated from CGD 84-098.

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: Mr. L. Demaio, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115-AB74

1664. + MANDATORY ALCOHOL AND DRUG TESTING FOLLOWING SERIOUS MARINE INCIDENTS INVOLVING COMMERCIAL VESSELS (CGD 86-080)

Significance: Regulatory Program

Legal Authority: 33 USC 1231; 43 USC 1331; 46 USC 6101; 46 USC 6103

CFR Citation: 46 CFR 4

Legal Deadline: None.

Abstract: This notice proposes regulations which would: 1) require the owner, charterer, managing operator, agent, master, or person in charge of a commercial vessel (designated the "marine employer") to obtain blood, urine, and breath samples as appropriate from persons directly involved in certain serious marine incidents, within prescribed time limits; 2) define the serious marine incident criteria for which this requirement would be applicable; 3) require the marine employer to ship blood and urine samples to a laboratory designated by the Coast Guard for appropriate chemical analysis; and, 4) establish procedures regarding accountability for and processing of blood and urine samples from the time of sampling to the time of receipt of samples at the laboratory. The Coast Guard believes that these proposed regulations are necessary to better identify the extent of alcohol and drug involvement as primary or contributing causes of serious incidents, i.e., those which result in death, injury or significant property or environmental damage; to emphasize the seriousness with which the Federal Government views the problems of alcohol and drug use and abuse in the marine (cont.)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: transportation field; to establish a stronger and more effective deterrent to alcohol and drug use aboard or in connection with commercial vessels; and to provide more reliable information upon which to base enforcement actions.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: LCDR David F. Wallace, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2215

RIN: 2115-AC62

1665. + QUALIFICATIONS OF THE PERSON IN CHARGE OF OIL TRANSFER OPERATIONS: TANKERMAN REQUIREMENTS (79-116)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Legal Deadline: None.

Abstract: Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers (STCW), 1978 has entered into effect and establishes international standards for tank vessel personnel qualifications.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
Begin Public Hearings	01/00/81	
End Public Hearings	02/00/81	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Mr. C. Heizer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0226**

RIN: 2115-AA03

1666. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100

Legal Deadline: None.

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to extent practicable. This rulemaking is significant because it is likely to be of substantial interest to the public.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Yes

Additional Information: Further action must await enabling legislation.

Analysis: Regulatory Evaluation 11/00/87

Agency Contact: Mr. J. Kursban, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-2420**

RIN: 2115-AB73

1667. + VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATIONS ON THE GREAT LAKES (84-040)

Significance: Agency Priority

Legal Authority: 33 USC 1201; 33 USC 1202; 33 USC 1203; 33 USC 1204; 33 USC 1205; 33 USC 1206; 33 USC 1207; 33 USC 1208

CFR Citation: 33 CFR 26

Legal Deadline: None.

Abstract: Recreational boat use of Channel 16, a distress and safety frequency on the Great Lakes, has become so great that commercial vessels have been having difficulty communicating navigational information. The Coast Guard is considering making modifications to the existing radiotelephone requirements. Draft changes have been exchanged between the Canadian and U.S. Coast Guards to change the technical regulations of the Great Lakes Radio agreement. Review and re-exchange of drafts currently being considered. Both governments agree on channel 13. Sequential monitoring will not be accepted by either government as filling the requirements of a "continuous watch." Which size and type of vessels that will be required to monitor channel 13 needs to be clarified.

Timetable:

Action	Date	FR Cite
Request for comments	07/06/84	49 FR 27786
NPRM	12/00/87	

Small Entity: No

Additional Information: Project Active. Draft changes to agreement being considered by both governments, after which diplomatic notes will be exchanged.

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. P. Palmer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0362**

RIN: 2115-AB89

1668. + DRUG DETECTION FOR MERCHANT MARINE PERSONNEL (CGD 86-067)

Significance: Agency Priority

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 198; 46 USC 7701; 49 CFR 1.46

CFR Citation: 46 CFR 5; 46 CFR 16

Legal Deadline: None.

Abstract: The purpose of this proposal is to eliminate safety risks posed by the use of dangerous drugs by merchant marine personnel. The option being considered is a requirement that individuals applying for licenses, certificates of registry, and merchant mariners' documents provide the results of drug tests before issuance or renewal. The proposal will also address random drug-testing programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Mr. S. T. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0214**

RIN: 2115-AC45

1669. + REGULATIONS FOR SELF-ELEVATING OFFSHORE SERVICE AND SUPPORT VESSELS (CGD 86-074)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 3301

CFR Citation: 46 CFR 125 to 136; 46 CFR 170; 46 CFR 173; 46 CFR 174

Legal Deadline: None.

Abstract: The Coast Guard is proposing regulations that will establish safety standards for self-elevating offshore service vessels commonly known as liftboats. The high rate of casualties which have been experienced by these vessels has emphasized the need for specific regulations addressing the hazards inherent in their operations.

These vessels support the offshore mineral and energy industry by performing a multitude of services such as dive support, painting, sandblasting and well servicing, among others. In performing these services, these vessels fall within the statutory definition of Offshore Supply Vessels (OSV) and are therefore subject to inspection as OSVs. The Coast Guard will consider using existing standards wherever possible, particularly those that have and are being applied to conventional OSVs. However, because of the unique design and operating characteristics exhibited by these liftboats, many of the current regulations used to inspect and certificate conventional OSVs are inadequate to ensure the safe operation of these vessels. The Coast Guard believes that development and enforcement of standards specifically addressing these (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	04/16/87	52 FR 12439

Next Action Undetermined

Small Entity: Undetermined

Additional Information: unique hull forms and operating characteristics will significantly improve their safety record. These rules are not expected to impose substantial costs on industry. On February 14, 1983, the Coast Guard published an ANPRM concerning new construction of Offshore Supply Vessels (OSVs)(48 FR 6636). The information in the ANPRM presents the Coast Guard's overall approach with respect to developing comprehensive standards for conventional offshore supply vessels as contrasted with liftboats and other nonconventional OSVs. On March 7, 1985, the Coast Guard published an ANPRM on Revision of the Regulations on Outer Continental Shelf Activities (50 FR 9290). That ANPRM (CGD 84-098) solicited specific comments regarding appropriate standards that should be applied to the various types of vessels used for OCS activities. Some comments were received that addressed liftboats. These comments will be considered with the comments received in response to this rulemaking effort.

Agency Contact: LCDR S. Ciccalone, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-2307**

RIN: 2115-AC63

1670. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None.

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM will address new comments received requesting that industry specifications be used and incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
SNPRM	08/00/88	

Small Entity: No

Additional Information: Docket No. CGD 74-284.

Analysis: Regulatory Evaluation 04/19/82 (47 FR 16648)

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AA08

1671. HOPPER DREDGE WORKING FREEBOARD - LOAD LINE AND STABILITY REQUIREMENTS (76-080)

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 42; 46 CFR 44; 46 CFR 45; 46 CFR 174; 46 CFR 170

Legal Deadline: None.

Abstract: Would permit self-propelled hopper dredge to load to a deeper draft (working freeboard). Only dredges desiring working freeboard must comply. Requirements for load line and stability are promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/76	41 FR 32237
NPRM	12/10/79	44 FR 70791
SNPRM	01/24/80	45 FR 5780
SNPRM	11/00/87	

Small Entity: No

Additional Information: Comments received on NPRM were substantial and raised additional technical questions. More than three years passed since NPRM. Therefore, SNPRM is being prepared, and then a final rule will be issued.

Analysis: Regulatory Evaluation 11/00/87

Agency Contact: LCDR McCarthy, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-2988**

RIN: 2115-AA11

1672. MISCELLANEOUS CHANGES TO 46 CFR 56 (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 50; 46 CFR 56

Legal Deadline: None.

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards. An SNPRM will issue, to include additional clarifying language and to delete the manufacturers' affidavit system.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extension	03/21/85	50 FR 11397
SNPRM	10/00/87	

Small Entity: No

Additional Information: Docket No. CGD 77-140.

Analysis: Regulatory Evaluation 01/09/85 (50 FR 1073)

Agency Contact: Mr. H. Hime, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW,

Washington, DC 20593-0001, 202 267-2206

RIN: 2115-AA17

1673. CRANE OPERATOR QUALIFICATIONS AND STANDARDS FOR OFFSHORE CRANE DESIGN, INSPECTION, TESTING, AND OPERATION (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None.

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing. SNPRM will address comments received on lessening the impact on small entities and other controversial issues.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	02/14/86	51 FR 5547
NPRM Comment Period End	08/15/86	51 FR 21378
SNPRM	11/00/87	

Small Entity: No

Additional Information: Docket No. CGD 79-059.

Analysis: Regulatory Evaluation 02/14/86 (51 FR 5547)

Agency Contact: LDCR Stephen Johnson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AA34

1674. INFLATABLE LIFERAFT STABILITY (80-113)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would provide specific rules for function, size, and placement of stability appendages. Based on comments received, an SNPRM will issue.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1558
NPRM Comment Period End	04/11/85	
Extension of Comment Period	07/05/85	50 FR 37628
SNPRM	06/00/88	

Small Entity: No

Additional Information: Docket No. CGD 80-113. Comment period extended to 10/14/85.

Analysis: Regulatory Evaluation 01/11/85 (50 FR 1538)

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AA50

1675. MANEUVERING PERFORMANCE REGULATIONS (80-136)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1

Legal Deadline: None.

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	01/00/88	

Small Entity: No

Additional Information: The Subcommittee on Ship Design and Equipment, IMO, completed action on this item in May 1986 and the results are being included in the NPRM.

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: Mr. P. Cojeen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115-AA53

1676. SERVICING INFLATABLE LIFERAFTS (81-010)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine Inspectors being present.

Timetable:

Action	Date	FR Cite
ANPRM	08/14/86	51 FR 29117
Public Meeting	01/27/87	51 FR 45783
ANPRM Comment Period End	02/10/87	
NPRM	06/00/88	

Small Entity: No

Additional Information: Docket No. CGD 81-010.

Analysis: Regulatory Evaluation 06/00/88

Agency Contact: LT Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AA57

1677. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None.

Abstract: Revokes an obsolete provision and makes several editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-023.

Analysis: Regulatory Evaluation 04/12/82 (47 FR 15606)

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW,

Washington, DC 20593-0001, **202 267-0979**

RIN: 2115-AA58

1678. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Legal Deadline: None.

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements, and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	01/00/89	

Small Entity: No

Additional Information: Docket No. CGD 81-082.

Docket No. CGD 81-087.

This project is being evaluated by the Chemical Transportation Advisory Committee.

Agency Contact: R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1217**

RIN: 2115-AA70

1679. OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Nonsignificant

Legal Authority: 46 USC 3301(3); 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136

Legal Deadline: None.

Abstract: Create new 46 CFR subchapter governing Offshore Supply Vessels.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
NPRM	12/00/87	

Small Entity: No

Additional Information: Docket No. CGD 82-004.

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: LT. B. Russell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-2206**

RIN: 2115-AA77

1680. GENERAL REVISIONS OF POLLUTION-PREVENTION REGULATIONS FOR TANKERS (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None.

Abstract: Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: No

Additional Information: This project is related to CGD 82-028, Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing. Any further action on this project must wait until the rulemaking process for CGD 82-028 is completed because any policy decisions that result will be applicable to this rulemaking.

Analysis: Regulatory Evaluation 05/00/88

Agency Contact: LCDR W. P. Cummins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1053**

RIN: 2115-AA88

1681. HAND HELD FLASHLIGHTS (82-042)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 33; 46 CFR 35; 46 CFR 75; 46 CFR 77; 46 CFR 94; 46 CFR 96; 46 CFR 108; 46 CFR 154; 46 CFR 160; 46 CFR 161; 46 CFR 192; 46 CFR 195

Legal Deadline: None.

Abstract: Would remove two-cell flashlight requirements, and revise material and testing requirements in flashlight-approval specification.

Timetable:

Action	Date	FR Cite
NPRM	09/25/87	52 FR 36062
NPRM Comment Period End	11/09/87	52 FR 36062
Final Action	03/00/88	

Small Entity: No

Additional Information: An industry standard has been developed and will be incorporated by reference in the applicable parts.

Analysis: Regulatory Evaluation 11/00/87

Agency Contact: Mr. T. Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2206**

RIN: 2115-AA91

1682. AIDS TO NAVIGATION ON OUTER CONTINENTAL SHELF (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None.

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: No

Additional Information: Docket No. 82-054.

Analysis: Regulatory Evaluation 05/00/88

Agency Contact: Mr. C. B. Mosher, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0350**

RIN: 2115-AA92

1683. SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None.

Abstract: Would revise the standards for self-propelled vessels carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Additional Information: Docket No. 82-058

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: LCDR R. Fitch, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115-AA95

1684. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATIONAL TRAINING ACT OF 1980 (82-092)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 12959(a)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Legal Deadline: None.

Abstract: Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Docket No. CGD 82-092.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: LCDR Vanhaverbeke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1055

RIN: 2115-AB21

1685. REASSESSMENT OF COAST GUARD FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I; 46 CFR Subchapter U

Legal Deadline: None.

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	12/00/87	

Small Entity: No

Additional Information: Docket No. CGD 83-026. Incorporates part of docket CGD 81-090.

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: Dr. A. Schneider, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AB36

1686. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS -- INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None.

Abstract: Would effect a general reassessment of Subchapter F and incorporation of international requirements of Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: No

Additional Information: Docket No. CGD 83-043.

Analysis: Regulatory Evaluation 02/00/88

Agency Contact: Mr. M. Mattina, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115-AB41

1687. HAZARDOUS MATERIALS USED AS SHIP'S STORES ONBOARD VESSELS (84-044)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 2; 46 CFR 31; 46 CFR 34; 46 CFR 58; 46 CFR 71; 46 CFR 76; 46 CFR 91; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 147; 46 CFR 167; 46 CFR 176; 46 CFR 181; 46 CFR 189; ...

Legal Deadline: None.

Abstract: Would reduce the burden on shippers and manufacturers by deleting the requirement for separate Coast Guard classification of Ship's Stores and adopting the classification and identification provisions found in 49 CFR Subchapter C which are already required for the transportation of hazardous materials. It would also eliminate requirements for materials no longer in use and delete Table S.

Timetable:

Action	Date	FR Cite
NPRM	07/07/87	52 FR 25409
Correction to NPRM	07/10/87	52 FR 26121
NPRM Comment Period End	10/05/87	52 FR 25409
Final Action	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 07/07/87 (52 FR 25409)

Agency Contact: Mr. C. Rivkin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115-AB65

DOT—USCG

Proposed Rule Stage

1688. OIL-WATER INTERFACE DETECTORS (CGD 84-052)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 162

Legal Deadline: None.

Abstract: This project would propose a new specification for approval of oil-water interface detectors presently required by Annex 1 of MARPOL 73/78 (Marine Pollution Prevention).

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 11/00/88

Agency Contact: Ms. L. Martinez, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1071**

RIN: 2115-AB66

1689. LICENSING OF PILOTS-MANNING OF VESSELS (84-060)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 157; 46 CFR 10.07

Legal Deadline: None.

Abstract: This proposal would define "pilotage waters" and "coastwise seagoing vessel." In addition, it would require first class pilots to have experience on vessels of more that 40,000 gross tons in order to be authorized to pilot vessels of more than 50,000 gross tons; and allow a written test alternative to the chart sketch for a first-class pilot's license restricted to tug and barge only. Based on comments received, an SNPRM will issue.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM Supplemental	10/00/87	

Small Entity: No

Additional Information: This proposal has been split from a previously published NPRM identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04.

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0217**

RIN: 2115-AB67

1690. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801

CFR Citation: 46 CFR 64

Legal Deadline: None.

Abstract: This proposal would discontinue the Coast Guard specifications for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1577**

RIN: 2115-AB69

1691. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None.

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/88

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AB70

1692. LIFESAVING EQUIPMENT--IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 33 CFR 175; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None.

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	06/00/88	

Small Entity: No

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Analysis: Regulatory Evaluation 06/00/88

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AB72

1693. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

DOT—USCG

Proposed Rule Stage

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None.

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	07/00/89	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: LCDR Dupree, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115-AB88

1694. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None.

Abstract: This project would amend 46 CFR Part 153 to incorporate changes to the International Maritime Organization code for the construction and equipment of ships carrying dangerous chemicals in bulk.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/88

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115-AB92

1695. CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 2104; 46 USC 7301; 46 USC 7302; 46 USC 7303; 46 USC 7304; 46 USC 7305; 46 USC 7306; 46 USC 7307; 46 USC 7308; 46 USC 7309; 46 USC 7310

CFR Citation: 46 CFR 12

Legal Deadline: None.

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamen's documents and new ratings. An ANPRM was issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	
NPRM	01/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: Mr. S. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0214

RIN: 2115-AC02

1696. INLAND WATERWAY NAVIGATION REGULATIONS; ALL WATERS TRIBUTARY TO THE GULF OF MEXICO (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None.

Abstract: Proposes to revise and update the inland waterways navigation regulations for the Gulf Intercoastal Waterway from St. Marks, Fla. to the Rio Grande River.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: Mr. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0404

RIN: 2115-AC03

1697. DELEGATION OF AUTHORITY TO UNITED STATES CLASSIFICATION SOCIETIES (85-019)

Significance: Nonsignificant

Legal Authority: 46 USC 3316

CFR Citation: 46 CFR 2

Legal Deadline: None.

Abstract: The Coast Guard, under 46 U.S.C. 3316, delegates plan review and inspection to the American Bureau of Shipping. Other classification societies have requested similar acceptance. The proposed advance notice solicited information on what criteria should be used to determine who will be allowed to work on the Coast Guard's behalf.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/85	50 FR 40413
ANPRM Comment Period End	01/03/86	
NPRM	02/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/88

Agency Contact: Mr. J. Kinsey, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1045

RIN: 2115-AC10

1698. FIRE DETECTION AND ALARM SYSTEMS (85-051)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None.

Abstract: This rulemaking would update the 30 year old Coast Guard specification for fire detection and alarm systems to use modern terminology and address modern systems. Consensus standards would be adopted by reference.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/88

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AC13

1699. INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151

Legal Deadline: None.

Abstract: This rulemaking proposes revising inspection intervals for Pressure Vessel Cargo Tanks. An ANPRM was issued seeking public and industry views on the adequacy of present intervals and suggested intervals.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	09/08/87	52 FR 33841
NPRM Comment Period End	12/07/87	
Final Action	08/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 09/08/87 (52 FR 33841)

Agency Contact: LCDR Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1045

RIN: 2115-AC18

1700. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None.

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Thomas Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115-AC20

1701. SUBCHAPTER "T" TITLE 46, GENERAL UPDATES AND REVISIONS (85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175; 46 CFR 176; 46 CFR 177; 46 CFR 178; 46 CFR 179; 46 CFR 180; 46 CFR 181; 46 CFR 182; 46 CFR 183; 46 CFR 184; 46 CFR 185; 46 CFR 186; 46 CFR 187

Legal Deadline: None.

Abstract: This rulemaking would revise Subchapter "T" to reflect recent statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals and drydocking intervals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: LCDR W. Cummins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1053

RIN: 2115-AC22

1702. 46 CFR SUBCHAPTER 1. EDITORIAL REVISIONS AND CORRECTIONS (86-033)

Significance: Nonsignificant

Legal Authority: 46 USC 170

CFR Citation: 46 CFR 140 to 155

Legal Deadline: None.

Abstract: This proposed rule would correct or remove outdated cross-references and statutory citations related to the transportation of hazardous materials throughout 46 CFR Chapter 1.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Additional Information: Project entails replacement of words "46 CFR" with "49 CFR" with necessary revised lead-ins.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 2nd St. SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115-AC28

1703. HAZARDOUS SUBSTANCES POLLUTION PREVENTION (86-034)

Significance: Nonsignificant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 154 to 156

Legal Deadline: None.

Abstract: This regulatory project will apply the present oil pollution prevention regulations in 33 CFR Parts 154-156 to vessels and onshore and offshore facilities transferring hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: LCDR J. Whitehead, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115-AC29

1704. UPDATING APPROVAL REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160; 46 CFR 35 to 20

Legal Deadline: None.

Abstract: This proposal will update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
NPRM	08/00/88	

Small Entity: Yes

Analysis: Regulatory Evaluation 08/00/88

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AC30

1705. REVISED APPROVAL SPECIFICATIONS FOR NONCOMBUSTIBLES AND PROHIBITION OF ASBESTOS FOR COMMERCIAL VESSELS (86-035)

Significance: Nonsignificant

Legal Authority: 46 USC 3306 (a)

CFR Citation: 46 CFR 30 to 40; 46 CFR 70; 46 CFR 188 to 196; 46 CFR 140 to 154; 46 CFR 90

Legal Deadline: None.

Abstract: This proposal will revise the approval specifications for noncombustible materials for merchant vessel construction to delete asbestos as an acceptable noncombustible material.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Yes

Analysis: Regulatory Evaluation 04/00/88

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AC32

1706. COMPATIBILITY OF CARGOES (86-100)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 150; 46 CFR 1.46(b); 46 CFR 1.46(t); 46 CFR 1.46(u)

Legal Deadline: None.

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels. Since this action is recurrent, the Coast Guard has established a continuing docket for this type of action. Notices for this rule are anticipated in Jan./Feb. of each year. Final rules will be completed prior to September 30 of each year.

Timetable:

Action	Date	FR Cite
NPRM	12/08/86	48 FR 44182
NPRM Comment Period End	01/08/87	
Final Rule	06/04/87	52 FR 21036
NPRM	12/00/87	

Small Entity: No

Agency Contact: Dr. M. Parnarouskis, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-1577**

RIN: 2115-AC35

1707. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115; HR 1362

CFR Citation: 46 CFR 41 to 48

Legal Deadline: None.

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
NPRM	03/05/88	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 03/00/88

Agency Contact: Mr. Frank Perrini, Naval Architect, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-2988**

RIN: 2115-AC37

1708. OFFSHORE EVACUATION PROCEDURES (84-098(B))

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 43 USC 1348(c); 43 USC 1356; 49 CFR 1.46(z)

CFR Citation: 33 CFR 140; 33 CFR 146

Legal Deadline: Statutory, September 1, 1987. Omnibus Budget Reconciliation Act of 1986 (PL 99-509)

Abstract: Would modify 33 CFR Subchapter N to require evacuation procedures for all OCS facilities on the U.S. OCS. This would apply to MODUs, both foreign and U.S.-flag; Fixed Platforms and Floating Facilities. An alternative being considered is the mandatory use of stand-by boats.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445

Next Action Undetermined

Small Entity: No

Additional Information: CGD 84-098(b) Offshore Evacuation Procedures for OCS facilities separated from CGD 84-098.

Agency Contact: LCDR A. Dupree, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-2307**

RIN: 2115-AC41

1709. NAVIGATION BRIDGE VISIBILITY (CGD 85-099)

Significance: Nonsignificant

Legal Authority: 46 USC 369; 46 USC 391a

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 72; 46 CFR 91; 46 CFR 92; 46 CFR 108; 46 CFR 157; 46 CFR 190

Legal Deadline: None.

Abstract: Limited visibility from the navigation bridge of vessels has been identified as a factor in vessel

casualties and near-misses. This action would establish standards for acceptable limits of visibility based on existing international guidelines. Because the primary focus is on new vessel design, costs are estimated to be minimal compared to potential benefits in casualties prevented.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Mr. Edward J. LaRue, Jr., Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0416

RIN: 2115-AC42

1710. FIRE EXTINGUISHERS (PORTABLE AND SEMI-PORTABLE) - REVISING APPROVAL SPECIFICATIONS AND UPDATING CARRIAGE REQUIREMENTS (86-072)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 162; 46 CFR 25; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 168; 46 CFR 181; 46 CFR 193; 33 CFR 145; 33 CFR 149

Legal Deadline: None.

Abstract: Update approval specifications for portable and semi-portable fire extinguishers to incorporate minimum acceptance standards, and minimum factory quality control and independent laboratory inspection levels. Update extinguisher carriage and inspection requirements on vessels to reflect current fire extinguisher technology.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/88

Agency Contact: Mr. Klaus Wahle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC43

1711. SOLAS 74/83 LIFE JACKET APPROVAL REQUIREMENTS REVISION (85-200)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: This project is to establish U.S. Coast Guard approval requirements for lifejackets meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entity: No

Additional Information: This is the first in a series of projects, numbered 85-200 to 85-211, which have been split off from Coast Guard 84-069 which implemented the 1983 Amendments to SOLAS 1974. So many revisions were necessary that it was better to make several small and easily identifiable projects rather than a large and confusing one. Because of staffing assignments, the projects may not be completed in numerical order, and many cannot be given estimated completion dates.

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: Mr. Samuel Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC46

1712. SOLAS 74/83 LIFEBOAT AND RESCUE BOAT APPROVAL REQUIREMENTS (85-201)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for lifeboats and rescue boats meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: LCDR W. Riley, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC47

1713. SOLAS 74/83 REVISION TO INFLATABLE LIFERAFT APPROVAL (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirement for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/88

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC51

1714. ADVANCE NOTICE OF ARRIVAL (CGD 86-055)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(a)(5)

CFR Citation: 33 CFR 160

Legal Deadline: None.

Abstract: This revision to 33 CFR 160 Subpart C would require advance notices from all foreign commercial vessels of less than 1600 gross tons bound for parts or places in the Miami Captain of the Port zone. Currently 33 CFR 160.201(c)(1) excepts all vessels of less than 1600 gross tons from reporting advance notices of arrival. The revision would require vessels of more than 1600 gross tons to provide to the COTP crew makeup and charter information at least 24 hours prior to entering ports or places within the COTP zone. The revision would also delete the advance-notice requirement that ships bound for ports and places on the Great Lakes

notify the Ninth Coast Guard District Commander prior to entering the Shell Locks in Massena, N.Y.

Timetable:

Action	Date	FR Cite
NPRM	10/30/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/30/87

Agency Contact: Lt. J. McDowell, Office of Marine Safety, Security and Environmental Protection, Department of Transportation, U.S. Coast Guard, Commandant (G-MPS-3), 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115-AC58

1715. ● MEASUREMENT OF VESSELS (87-015 B)

Significance: Nonsignificant

Legal Authority: 46 USC Part J, Chap 141

CFR Citation: 46 CFR 69

Legal Deadline: None.

Abstract: This project is to establish the International Convention on Tonnage Measurement of Ships, 1969, as the primary tonnage measurement system for measuring vessels of 79 feet and longer. The project will also extend simplified measurement to all vessels of less than 79 feet in length and eliminate all vessels of 79 feet in length and over from being measured under the simplified system.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Dennis Lamont, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-1100

RIN: 2115-AC67

1716. ● POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 71; 47 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

Legal Deadline: None.

Abstract: Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; other are primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available are being considered.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Additional Information: A notice inviting public comment is being published under a separate docket. The NIPC will contain questions relevant to this project the answers to which may be used in developing an NPRM.

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: LCDR W. J. Morani, Jr., Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1053

RIN: 2115-AC68

1717. ● EMERGENCY POSITION INDICATING RADIO BEACONS FOR UNINSPECTED FISHING, FISH PROCESSING, AND FISH TENDING VESSELS (87-016)

Significance: Nonsignificant

Legal Authority: 46 USC 4102 as amended by Coast Guard Authorization Act of 1986

CFR Citation: 46 CFR 25; 46 CFR 26

Legal Deadline: None.

Abstract: The Coast Guard Authorization Act of 1986 amended 46 USC 4102 to require uninspected fishing, fish processing, and fish tender vessels operating on the high seas to carry "the number and type of Emergency Position Indicating Radio Beacons (EPIRBS) prescribed by regulation." By implementing the law the proposed regulations will ensure rapid and effective search and rescue during emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33448
NPRM Comment Period End	10/19/87	52 FR 33448
Final Action	03/00/88	

Small Entity: No

Analysis: Draft Regulatory Evaluation 05/14/87

Agency Contact: LCDR W. M. Riley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC69

1718. ● DELEGATION OF AUTHORITY TO MEASURE VESSELS (87-015A)

Significance: Nonsignificant

Legal Authority: 46 USC 14103

CFR Citation: 46 CFR 69

Legal Deadline: None.

Abstract: This project will propose standards to enable maritime-related organizations to participate with the American Bureau of Shipping in measuring U.S. vessels.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Joseph T. Lewis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2992

RIN: 2115-AC70

1719. ● INLAND WATERWAY NAVIGATION RULES - SAN JOAQUIN AND SACRAMENTO RIVER DEEP WATER SHIP CHANNELS (CGD 86-078)

Significance: Nonsignificant

Legal Authority: 33 USC 1231; 49 CFR 1.46

CFR Citation: 33 CFR 162.205

Legal Deadline: None.

Abstract: Will revise regulation to reflect current use and operation of waterway. Change will delete requirements covered in other regulations and laws.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 10/01/87

Agency Contact: Mr. Michael J. Powers, Project Manager, Department of Transportation, U.S. Coast Guard, COMDT (NSS-2), 2100 2nd St., SW, Washington, DC 20593, **202 267-0415**

RIN: 2115-AC77

1720. ● PORT ACCESS ROUTES; APPROACH TO FREEPORT, TEXAS (CGD 87-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: A study of fairway anchorage sites and areas adjacent to the fairway in the approach to Freeport, Texas, has been completed and comments requested on the results.

Timetable:

Action	Date	FR Cite
Fairway study completed	07/02/87	52 FR 25039
NPRM	07/01/88	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: LTJG Daphne Reese, Project Manager, Department of Transportation, U.S. Coast Guard, COMDT (G-NSS-2), 2100 2nd St., SW, Washington, DC 20593, **202 267-0364**

RIN: 2115-AC78

1721. ● PORT ACCESS ROUTES; APPROACH TO TAMPA BAY, FLORIDA (CGD 85-097)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: Based on the results of a Port Access Route study the Coast Guard proposes to eliminate the existing Southern Tampa Fairway Anchorage and to establish a new fairway anchorage in the approach to Tampa Bay, Florida.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28019
NPRM Comment Period End	09/25/87	52 FR 28019
Final Action	12/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 07/27/87 (52 FR 28019)

Agency Contact: LTJG Daphne Reese, Project Manager, Department of Transportation, U.S. Coast Guard, COMDT (G-NSS-2), 2100 2nd St., SW, Washington, DC 20593, **202 267-0364**

RIN: 2115-AC79

1722. ● PORT ACCESS ROUTES; APPROACH TO MOBILE, ALABAMA (CGD 86-008)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: The Coast Guard is studying the request by an oil company to modify the fairway in the approach to Mobile, Alabama.

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	

Small Entity: No

Additional Information: A public meeting will probably be held to discuss the issues in the study.

Government Levels Affected: Local, State, Federal

Agency Contact: LTJG Daphne Reese, Project Manager, Department of Transportation, U.S. Coast Guard, COMDT (G-NSS-2), 2100 2nd ST., SW, Washington, DC 20593, **202 267-0364**

RIN: 2115-AC81

1723. ● ASSISTANCE TOWING LICENSES (CGD 87-017)

Significance: Nonsignificant

Legal Authority: 46 USC 8904; 46 USC 7101; 49 CFR 1.46

CFR Citation: 46 CFR 10; 46 CFR 157; 46 CFR 187

Legal Deadline: Statutory, January 1, 1988. Amendment to 46 USC 8904 requiring assistance towing licenses becomes effective 1 January 1988

Abstract: Rule proposes to amend the regulations for the licensing of maritime personnel to include specific licensing and manning requirements for all vessels, regardless of size, which tow a disabled vessel for consideration. This proposal is made in response to a statutory change requiring such licenses. This action is intended to provide assurance to all involved parties that all persons who provide assistance towing services have met minimum established standards for knowledge and experience.

Timetable:

Action	Date	FR Cite
NPRM	08/20/87	52 FR 31429
NPRM Comment Period End	10/19/87	52 FR 31429
Final Action	12/00/87	
Final Action Effective	02/00/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $18,750; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Analysis: Regulatory Evaluation 08/20/87 (52 FR 31429)

Agency Contact: LCDR Gary Kaminski, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, **202 267-0218**

RIN: 2115-AC82

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

1724. + INTERVALS FOR DRYDOCKING AND TAILSHAFT EXAMINATION ON INSPECTED VESSELS (84-024)

Significance: Regulatory Program

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 61; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 169; 46 CFR 189

Legal Deadline: None.

Abstract: Various Coast Guard regulations specify the intervals for drydocking and tailshaft examinations on inspected vessels. The Coast Guard has proposed to extend the interval between drydockings because extension of the interval can result in significant savings to vessel operators without diminishing overall vessel safety. This regulation is significant because it involves important departmental safety policy.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19050
ANPRM Comment Period End	08/02/84	
NPRM	05/30/86	51 FR 19720
Correction	06/09/86	51 FR 20847
NPRM Comment Period End	09/30/86	51 FR 29116
Interim Final Rule	10/00/87	

Small Entity: Yes

Additional Information: Regulatory Evaluation will be completed at same time as final rule.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: LCDR Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1045**

RIN: 2115-AB58

1725. + OPERATING A VESSEL WHILE INTOXICATED (84-099)

Significance: Regulatory Program

Legal Authority: 46 USC 6101; 46 USC 7701; 46 USC 8105; 46 USC 7101; 46 USC 3306; 46 USC 2302(a)

CFR Citation: 33 CFR 95; 33 CFR 146; 33 CFR 150; 33 CFR 173; 33 CFR 177; 46 CFR 26; 46 CFR 4; 46 CFR 5; 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 109. 46 CFR 167; 46 CFR 185; 46 CFR 196 to 197

Legal Deadline: None.

Abstract: Proposes (1) to prohibit crewmembers on vessels subject to inspection from performing any duties while intoxicated or within four hours of consuming alcohol, (2) civil penalties for owners, charterers, managing operators, agents, masters or individuals in charge of vessels subject to inspection that allow crewmembers to perform any duties while intoxicated, and (3) to allow personnel licensed, documented or certificated by the Coast Guard to seek rehabilitation prior to being subject to a proceeding to suspend or revoke the license, certificate or document (4) to allow Coast Guard personnel to terminate the use of certain vessels when the operator is under the influence of an intoxicant to the extent that further operation of the vessel creates an unsafe condition (5) to amend the regulations requiring reports of all marine casualties to include specific information on the role of alcohol or drugs in the casualty (6) to set a Federal standard for determining whether an individual is operating a recreational vehicle while intoxicated.

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 18902
NPRM Comment Period End	08/21/86	
SNPRM Ext.Comment Period to 5/11/87 (52 FR 4116)	02/09/87	52 FR 4116
Final Action	10/00/87	

Small Entity: No

Additional Information: This project has been combined with Coast Guard docket 84-099a, Operating a Vessel While Intoxicated: Recreational Vessels. The RIN for that project was 2115-AC24.

Analysis: Regulatory Evaluation 05/23/86 (51 FR 18902)

Agency Contact: LCDR Wallace/Mr. S. Connaughton/Mr. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0214**

RIN: 2115-AC23

1726. + JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433

Next Action Undetermined

Small Entity: No

Additional Information: All action on this proposal has been suspended pending legislative action by the Canadian Government.

Agency Contact: LTJG K. Bradley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0412**

RIN: 2115-AA39

1727. + LICENSING OF MARITIME PERSONNEL (CGD 81 - 059)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114

CFR Citation: 46 CFR 10; 46 CFR 35; 46 CFR 157; 46 CFR 175; 46 CFR 185; 46 CFR 186; 46 CFR 187

Legal Deadline: None.

Abstract: Would amend the licensing regulations to simplify administration and improve readability to the public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. This regulation has been made significant because of its far-reaching impact on all licensed officers of the merchant marine.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
NPRM Supplemental	10/24/85	50 FR 43316
Interim Final Rule	10/00/87	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 46 USC 8101; 46 USC 8105; 46 USC 8104; 46 USC 8301; 46 USC 8302; 46 USC 8303; 46 USC 8304; 46 USC 8502; 46 USC 7701; 46 USC 7702; 46 USC 7703; Comment period runs until 02/21/86. Public hearings held in Washington, D.C.; New York, New York; Seattle, Washington; San Francisco, California; and New Orleans, Louisiana.

Analysis: Regulatory Evaluation 08/08/83 (48 FR 35920)

Agency Contact: LCDR Jenkins, Program Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0224**

RIN: 2115-AA64

1728. + SAFETY RULES FOR VESSELS ENGAGED IN CHEMICAL WASTE INCINERATION AT SEA (84-025)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 150

Legal Deadline: None.

Abstract: Would establish safety rules for the design of vessels engaged in the incineration of chemical wastes at sea. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30241
NPRM Comment Period End	10/24/86	
Final Action	11/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 11/00/87

Agency Contact: CDR R. Tanner, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1217**

RIN: 2115-AB60

1729. DEFECT NOTIFICATION AND FIRST-PURCHASER INFORMATION (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None.

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
Supplemental NPRM	05/29/87	52 FR 20115

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 77-115.

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115-AA16

1730. LIQUEFIED NATURAL GAS WATERFRONT FACILITY (78-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1225

CFR Citation: 33 CFR 127

Legal Deadline: None.

Abstract: Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Research and Special Programs Administration.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/78	43 FR 34362
ANPRM Supplementary	03/08/79	44 FR 12693
NPRM	05/16/86	51 FR 18276
Final Action	11/00/87	

Small Entity: Yes

Additional Information: Docket No. CGD 78-038.

Analysis: Regulatory Evaluation 05/16/86 (51 FR 18276)

Agency Contact: LCDR T. Whitehead, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0491**

RIN: 2115-AA22

1731. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
Final Action	04/00/89	

Small Entity: No

Additional Information: Docket No. CGD 78-174. Two additional projects split from this one. They are listed in this Agenda as CGD 78-174a, Carriage and Operational Requirements for Hybrid PFDs and CGD 78-174b, Carriage and Operational Requirements for Inflatable Life Jackets. Entries for these projects follow in the agenda.

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AA29

1732. LAUNCHING DEVICES FOR LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None.

DOT—USCG

Final Rule Stage

Abstract: Proposed standards, procedures, and tests for approving equipment used to launch inflatable liferafts from vessels and offshore platforms.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	
Final Action	02/00/88	

Small Entity: No

Additional Information: Docket No. CGD 79-168.

Analysis: Regulatory Evaluation 02/13/86 (51 FR 5377)

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AA45

1733. VITAL SYSTEM AUTOMATION (CGD 81-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 61; 46 CFR 62; 46 CFR 110; 46 CFR 111; 46 CFR 113

Legal Deadline: None.

Abstract: Would implement the provisions for periodically unattended machinery spaces and automated machinery in the 1974 Safety of Life at Sea (SOLAS) Amendments and the guidance on system design in the Coast Guard Navigation and Inspection Circulars on Automated Main and Auxiliary Machinery.

Timetable:

Action	Date	FR Cite
NPRM	09/23/85	50 FR 38608
NPRM Comment Period End	02/21/86	
Final Action	04/00/88	

Small Entity: No

Additional Information: Docket No. CGD 81-030.

NPRM comment period closed 21 Feb, 1986.

Analysis: Regulatory Evaluation 09/23/85 (50 FR 38608)

Agency Contact: LT Randall, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2206**

RIN: 2115-AA59

1734. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Legal Deadline: None.

Abstract: Would establish the general bridge-permit program. There is an initiative to transfer the Bridge Program to the Corps of Engineers. If the Corps agrees and Congress approves, the program will be transferred.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
NPRM Supplemental	04/24/86	51 FR 15503

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-057.

Analysis: Regulatory Evaluation 04/24/86 (51 FR 15503)

Agency Contact: Mr. N. Mpras, Assistant Division Chief, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0368**

RIN: 2115-AA61

1735. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/87 to 04/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/88	

Small Entity: No

Agency Contact: Mr. M. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0415**

RIN: 2115-AA97

1736. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/87 to 04/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/88	

Small Entity: No

Agency Contact: Mr. M. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0415**

RIN: 2115-AA98

1737. DOCUMENTATION OF VESSELS; CONTROLLING INTEREST (82-105)

Significance: Nonsignificant

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Legal Deadline: None.

Abstract: This item will define the term "controlling interests" for the purpose of documenting vessels owned by partnerships.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/82	47 FR 51170
NPRM	07/16/84	49 FR 28744
NPRM Comment Period End	10/15/84	49 FR 35967
Final Action	12/00/87	

Small Entity: Undetermined

DOT—USCG

Final Rule Stage

Additional Information: Docket No. CGD 82-105. Comment period extended 9/13/84.

Analysis: Regulatory Evaluation 07/16/84 (49 FR 28744)

Agency Contact: Mr. T. L. Willis, Merchant Vessel Inspection and Documentation Division, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1492

RIN: 2115-AB27

1738. CARRIAGE AND USE OF LIQUEFIED OR NONLIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None.

Abstract: Proposed requirements for the use of liquefied flammable gas and compressed natural gas as cooking fuels on passenger vessels.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
SNPRM	04/18/86	50 FR 15522
Final Action	10/00/87	

Small Entity: Yes

Additional Information: Docket No. CGD 83-013.

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10685)

Agency Contact: LCDR Vanhaverbeke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1055

RIN: 2115-AB35

1739. LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None.

Abstract: This project resulted from comments received on Coast Guard proposed rulemaking 81-59, Licensing of Officers and Motorboat Operators and Registration of Staff Officers which is contained in this agenda under another listing. The comments suggested that licensing of officers on Mobile Offshore Drilling Units be discussed in a separate rulemaking. This project is the result of those suggestions; it would establish licensing requirements for officers on Mobile Drilling Units.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	10/00/87	

Small Entity: No

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Officers and Motorboat Operators and Registration of Staff Officers, which is listed elsewhere in this agenda with the RIN 2115-AA64.

Analysis: Regulatory Evaluation 10/24/85 (50 FR 43316)

Agency Contact: LCDR Jenkins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0224

RIN: 2115-AB91

1740. MARPOL POLLUTION PREVENTION REGULATIONS (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None.

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
Final Action	11/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 11/00/87; Environmental Assessment 11/00/87

Agency Contact: CDR David Pascoe, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0421

RIN: 2115-AC11

1741. CARRIAGE AND OPERATIONAL REQUIREMENTS FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None.

Abstract: This rulemaking proposes approval and operating requirements for inflatable life jackets. Their use would be optional.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
Final Action	07/00/88	

Small Entity: No

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; Establishment of Approval Requirements (78-174) (RIN: 2115-AA29),which was published as an interim final rule (50 FR 33923).

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21878)

Agency Contact: Mr. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC16

1742. U.S. AID TO NAVIGATION SYSTEMS (86-031)

Significance: Nonsignificant

DOT—USCG

Final Rule Stage

Legal Authority: 14 USC 81; 14 USC 87; 14 USC 92; 14 USC 93; 14 USC 633; 14 USC 85; 33 USC 1233; 43 USC 1333(d)

CFR Citation: 33 CFR 60; 33 CFR 66; 33 CFR 100

Legal Deadline: None.

Abstract: This regulation would amend 33 CFR Part 62 - United States Aid to Navigation Systems -- to include the International Association of Lighthouse Authorities System.

Timetable:

Action	Date	FR Cite
NPRM	05/24/87	52 FR 11506
Final Action	10/00/88	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 05/24/87 (52 FR 11506)

Agency Contact: LTJG Wulfkuhle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-0346**

RIN: 2115-AC33

1743. SELF-INSPECTION OF FIXED OCS FACILITIES (CGD 84-098(A))

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356; 43 USC 1.46(z)

CFR Citation: 33 CFR 140; 33 CFR 143

Legal Deadline: None.

Abstract: Would modify 33 CFR Subchapter N by requiring owners/operators of fixed OCS facilities to conduct an annual inspection for compliance with Coast Guard regulations and report the results of the self-inspection to the Coast Guard on a Coast Guard-provided form. This proposal minimizes cost to the industry and, by allowing available Coast Guard resources to be concentrated on program oversight and on those operations with poor safety records would improve safety on the OCS.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	07/07/87	52 FR 25392
NPRM Comment Period End	08/21/87	52 FR 25392
Final Action	03/00/88	

Small Entity: No

Additional Information: CGD 84-098(a) Self-Inspection of Fixed OCS Facilities separated from CGD 84-098 on 28 Mar. 1986.

Analysis: Draft Regulatory Evaluation 07/07/87 (52 FR 25392)

Agency Contact: LCDR A. Dupree, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-2307**

RIN: 2115-AC40

1744. ● IMMERSION SUITS (84-069A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: The Coast Guard is revising the specifications for approval of exposure suits. Existing approvals for exposure suits under 46 CFR 160.071 would be terminated on the effective date of these regulations and new approval would be issued for immersion suits under 46 CFR 160.171 after supplemental testing. Existing vessels could continue to use exposure suits approved under 46 CFR 160.071 as long as the suits remain serviceable. Ships, the construction or conversion of which started on or after July 1, 1986, would be required to have immersion suits approved under 46 CFR 160.071. The changes are needed to conform the regulations to the International Convention for Safety of Life at Sea, 1974, as amended (SOLAS 74/83). This rule was suspended to incorporate two additional changes regarding immersion suit testing.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	
NPRM	02/04/86	51 FR 4401
NPRM Comment Period End	05/05/86	51 FR 4401
Final Action	01/12/87	52 FR 1185
Supplemental Notice of Proposed Rulemaking	04/23/87	52 FR 13479
Suspension of Effective Date	04/23/87	52 FR 13445
Comment Period End	06/08/87	
Final Action	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/04/86 (51 FR 4401)

Agency Contact: LCDR W. M. Riley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115-AC66

1745. ● INCORPORATIONS BY REFERENCE, VOLUNTARY INDUSTRY STANDARDS (CGD 87-046)

Significance: Nonsignificant

Legal Authority: 46 USC 4302; 49 CFR 1.46

CFR Citation: 33 CFR 183.5; 33 CFR 183.430; 33 CFR 183.435; 33 CFR 183.505; 33 CFR 183.516; 33 CFR 183.610

Legal Deadline: None.

Abstract: Rule amends 33 CFR 183, Subparts I, J and K, adopting the latest versions of voluntary industry standards by incorporation by reference. These changes do not involve substantive changes and are being published as as a final rule (editorial change).

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	
Final Action Effective	06/00/88	

Small Entity: Yes

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Mr. Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115-AC72

1746. ● ELECTRICAL SYSTEM STANDARD (CGD 87-009)

Significance: Nonsignificant

Legal Authority: 46 USC 4302; 49 CFR 1.46

CFR Citation: 33 CFR 183 to 435(a)(4); 33 CFR 183 to 435(a)(5)

Legal Deadline: None.

Abstract: Rule proposes to amend current regulations on electrical systems for new boats by incorporating Underwriters Laboratories (UL) Standard 1426 by reference to replace UL Standard 83 in Subpart I of Part 83. The proposed rule would also delete a

general reference to acceptable wire types in circuits of 50 volts or more. The intended effect is to recognize one of the most widely used wire types, UL boat cable, and to delete a very general reference that is not considered useful.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	
Final Action Effective	08/00/88	

Small Entity: Yes

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115-AC73

1747. ● SECURITY MEASURES: PLACARDING (CGD 87-044)

Significance: Nonsignificant

Legal Authority: 50 USC 191; EO 10173

CFR Citation: 33 CFR 122

Legal Deadline: None.

Abstract: This project would delete the requirement to post a placard showing atomic attack safety instructions. The information on the placard is either outdated or found in other publications required to be maintained on board merchant vessels.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: LCDR Joel Whitehead, Department of Transportation, U.S. Coast Guard, Commandant (G-MPS-3), 2100 Second St., SW, Washington, DC 20593-0001, **202 267-0507**

RIN: 2115-AC75

1748. ● YORK SPIT CHANNEL, CHESAPEAKE BAY, NAVIGATION (CGD 86-066)

Significance: Nonsignificant

Legal Authority: 33 USC 1231; 49 CFR 1.46

CFR Citation: 33 CFR 162.45

Legal Deadline: None.

Abstract: Will delete navigation requirements that are outdated and no longer administered or enforced. (33 CFR 162.45)

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19173
NPRM Comment Period End	07/06/87	52 FR 19173
Final Action	11/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Mr. Michael J. Powers, Project Manager, Department of Transportation, U.S. Coast Guard, COMDT (NSS-2), 2100 2nd St., SW, Washington, DC 20593, **202 267-0415**

RIN: 2115-AC76

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Completed Actions

1749. + OPERATING A VESSEL WHILE INTOXICATED: RECREATIONAL VESSELS (84-099A)

Significance: Regulatory Program

Legal Authority: 46 USC 2302; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701; 46 USC 8105; 49 USC 1.46(b)

CFR Citation: 33 CFR 95

Legal Deadline: None.

Abstract: Solicits public assessment of the appropriateness of a Federal standard for determining whether an individual is operating a recreational vessel while intoxicated.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/86	51 FR 18900
ANPRM Comment Period End	08/21/86	
NPRM	02/09/87	52 FR 4116
NPRM Comment Period End	05/11/87	
Merged with Docket 84-099 : (RIN 2115-AC23)	00/00/00	

Small Entity: No

Additional Information: The Coast Guard has combined the proposed rules for intoxicated operation of recreational and commercial vessels into one proposal. The combined proposal will carry the Coast Guard docket number 84-099 and RIN AC23.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0979**

RIN: 2115-AC24

1750. + IDENTIFICATION OF THE HORIZONTAL DATUM REFERENCED IN COAST GUARD REGULATIONS (86-082)

Significance: Agency Priority

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 3; 33 CFR 80; 33 CFR 100; 33 CFR 110; 33 CFR 147; 33 CFR 150; 33 CFR 161; 33 CFR 162; 33 CFR 165; 33 CFR 166; 33 CFR 167; 33 CFR 177

Legal Deadline: None.

Abstract: The National Geodetic Survey is coordinating a datum conversion from the various existing datums to NAD 83. The shift is being made to NAD 83 in order to eliminate errors in the former datums. The datums of the geographic positions (latitude/longitude) published in 33 CFR 1 to 199 are currently indeterminate. This regulation is published to assist in identifying to which datum the published positions are referenced.

Timetable:

Action	Date	FR Cite
Final Action	09/08/87	52 FR 33809
Final Action Effective	09/08/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/08/87

Agency Contact: Mr. F. L. Parker, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0357

RIN: 2115-AC44

1751. CONSTRUCTION AND EQUIPMENT; EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (77-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None.

Abstract: Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the International Maritime Organization (IMO). These amended regulations would increase safety levels for existing ships carrying gas.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/77	42 FR 33353
NPRM	03/14/85	50 FR 10264
Final Action	08/21/87	52 FR 31623
Final Action Effective	10/05/87	

Small Entity: No

Additional Information: Docket No. 77-069.

Analysis: Draft Regulatory Evaluation 03/14/85 (50 FR 10264)

Agency Contact: LCDR R. Fitch, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AA00

1752. REVOCATION OF MILITARY EXPLOSIVES REGULATIONS (83-006)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808; 46 USC 170

CFR Citation: 46 CFR 146

Legal Deadline: None.

Abstract: Would revoke 46 CFR concurrently with the Research and Special Programs Administration's rulemaking and revise other sections in Title 46 accordingly.

Timetable:

Action	Date	FR Cite
Terminated	05/01/87	

Small Entity: No

Additional Information: This action has been consolidated with a current RSPA rulemaking action, HM-181A (RIN 2137-AA10), which is to consider revisions to the regulations governing transportation of explosives on vessels; a related RSPA rulemaking (RIN 2137-AA93) involves such transportation on all other modes.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115-AB33

1753. ACCOMMODATIONS, RAILS AND GUARDS (84-073)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 10104

CFR Citation: 46 CFR 32; 46 CFR 77; 46 CFR 96; 46 CFR 195

Legal Deadline: None.

Abstract: This proposal eliminates duplicative regulations and clarifies language in certain areas.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39729
NPRM Comment Period End	11/29/85	50 FR 39729
Final Action	05/15/87	52 FR 18360
Correction Notice	06/15/87	52 FR 22751
Final Action Effective	06/15/87	52 FR 18360

Small Entity: No

Analysis: Regulatory Evaluation 09/30/85 (50 FR 39729)

Agency Contact: Mr. John M. Kinsey, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AB68

1754. HEALD BANK CUTOFF SAFETY FAIRWAY (85-062)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: A study of port access in the Galveston area showed need for a new fairway for deep-draft vessels in the vicinity of Heald Bank. This rule establishes that fairway.

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7814
NPRM Comment Period End	05/05/86	
Final Action	05/14/87	52 FR 18231
Final Action Effective	06/15/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/06/86 (51 FR 7814)

Agency Contact: LTJG Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0364

RIN: 2115-AC19

1755. BERWICK BAY VESSEL TRAFFIC SERVICE (85-076)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: This rulemaking would replace currently used categorical horsepower-tow length requirements with stricter straight-line ratio requirements which have proven effective in preventing tow/bridge collisions.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 806
Final Action	09/04/87	52 FR 33585
Final Action Effective	10/05/87	

Small Entity: No

Analysis: Regulatory Evaluation 01/09/87 (52 FR 806)

Agency Contact: Mr. M. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115-AC21

1756. BOATING SAFETY; FUEL SYSTEM STANDARD (85-098)

Significance: Nonsignificant

DOT—USCG

Completed Actions

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 183.1; 33 CFR 183.5; 33 CFR 183.505; 33 CFR 183.528; 33 CFR 183.532; 33 CFR 183.540; 33 CFR 183.558; 33 CFR 183.568; 33 CFR 183.590

Legal Deadline: None.

Abstract: This rule requires gasoline fuel hose installed in new recreational boats to meet performance requirements of SAE Standard J1527DEC 85 instead of SAE Standard J30C. The change reflects safety questions about the effects increasing levels of aromatics and alcohols in fuels have on permeation rates and longevity of hose meeting SAE Standard J30C.

Timetable:

Action	Date	FR Cite
NPRM	03/20/86	51 FR 9689
Final Action	05/27/87	52 FR 19726
Final Action Effective	11/23/87	52 FR 19726

Small Entity: No

Analysis: Draft Regulatory Evaluation 03/20/86 (51 FR 9689); Regulatory Evaluation 05/27/87 (52 FR 19726)

Agency Contact: Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115-AC36

1757. GREAT LAKES PILOTAGE RATES (86-020)

Significance: Nonsignificant

Legal Authority: 46 USC 8105; 46 USC 9303; 46 USC 9304

CFR Citation: 46 CFR 401

Legal Deadline: None.

Abstract: This proposal amends the Great Lakes Pilotage Regulations to cause pilotage rates in Districts 1 and 3 to increase by 13% and 6% respectively, to meet pilot needs to cover increased costs; no increase is proposed for District 2.

Timetable:

Action	Date	FR Cite
NPRM	05/22/86	51 FR 18806
Final Action	04/09/87	52 FR 1468
Final Action Effective	05/11/87	52 FR 1468

Small Entity: Yes

Analysis: Regulatory Evaluation 04/09/87 (52 FR 11468)

Agency Contact: Mr. John Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-0217**

RIN: 2115-AC38

1758. ● COAST GUARD AUXILIARY ENSIGN (85-073)

Significance: Nonsignificant

Legal Authority: 14 USC 633; 14 USC 638; 14 USC 891

CFR Citation: 33 CFR 5.47; 33 CFR 5.48

Legal Deadline: None.

Abstract: Rule describes specifications for a Coast Guard Auxiliary Ensign and a Coast Guard Auxiliary Patrol Boat Ensign.

Timetable:

Action	Date	FR Cite
Final Action	10/01/87	52 FR 36760

Small Entity: No

Analysis: Regulatory Evaluation 10/01/87 (52 FR 36760)

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0979**

RIN: 2115-AC71

1759. ● SHIPPING SAFETY FAIRWAYS; APPROACH TO NEW YORK (CGD 84-004)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None.

Abstract: The Coast Guard proposes to establish two parallel fairways to connect the Eastern approach, off Nantucket and the Eastern approach, off Ambrose lanes of the Traffic Separation Scheme off New York. The rulemaking will also repromulgate the Off-New York Traffic Separation Scheme under the Ports and Waterways Safety Act.

Timetable:

Action	Date	FR Cite
NPRM	12/08/86	51 FR 44672
Final Action	09/04/87	52 FR 33587
Final Action Effective	10/05/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: LTJG Daphne Reese, Project Manager, Department of Transportation, U.S. Coast Guard, COMDT (G-NSS-2), 2100 2nd St., SW, Washington, DC 20593, **202 267-0364**

RIN: 2115-AC80

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Prerule Stage

1760. + POWERED ULTRALIGHTS: AIRMAN CERTIFICATION REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321

CFR Citation: 14 CFR 1; 14 CFR 61; 14 CFR 91; 14 CFR 103

Legal Deadline: None.

Abstract: Action would propose to establish airman certification requirements for persons operating powered ultralight aircraft. These mandatory certification standards are being considered because the response by ultralight operators to voluntary training programs has not been adequate. These proposed certification requirements are intended to achieve an acceptable level of safety in the operation of these aircraft.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

DOT—FAA

Prerule Stage

Agency Contact: William Cook, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3844**

RIN: 2120-AB69

1761. + ULTRALIGHT AIRCRAFT REGISTRATION AND MARKING

Significance: Regulatory Program

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421 to 1430; 49 USC 1423; 49 USC 1522; 49 USC 1655(c); 49 USC 1347; 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1432

CFR Citation: 14 CFR 1; 14 CFR 103

Legal Deadline: None.

Abstract: This action would establish registration and marking requirements for powered ultralight aircraft. These requirements are needed to enforce existing ultralight air traffic safety requirements effectively and to enable the FAA to issue important safety information to powered ultralight operators. The FAA intends that these requirements will better protect the safety of other airspace users and persons and property on the ground from unsafe powered ultralight activity.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9541**

RIN: 2120-AC09

1762. + FIRE PROTECTION REQUIREMENTS FOR CARGO AND BAGGAGE COMPARTMENTS - PARTS 121 AND 135

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449; 49 USC 1472; 49 USC 1355(a); 49 USC 1431

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: This action would propose requirements to improve cargo compartment fire protection for transport category airplanes operated under Parts 121 and 135 after a specified date. This action would propose a new rule which would require, within two years, replacement of ceiling and sidewall (including door and bulkhead) cargo compartment fire resistant liner panels in Class C and D cargo compartments greater than 200 cubic feet in volume in certain transport category airplanes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120-AC04

1763. ● + TERMINAL CONTROL AREAS AT 10,000 FEET MEAN SEA LEVEL (MSL); MODE C TRANSPONDERS ABOVE 10,000 FEET MSL

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983); 14 CFR 11.69; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472

CFR Citation: 14 CFR 71.12; 14 CFR 71.40; 14 CFR 91.24

Legal Deadline: None.

Abstract: The Air Line Pilots Association requested amendment to Parts 71 and 91 to top all terminal control areas at 10,000 feet mean sea level and to require Mode C transponders above 10,000 mean sea level. ANPRM would propose amendment accordingly.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983).

Regulatory Project No: ATO-200-86-3 (Docket #24496)

Agency Contact: Robert G. Burns, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9239**

RIN: 2120-AC52

1764. ● + FLIGHT PLAN FILING REQUIREMENTS; NATIONAL AIRSPACE REVIEW RECOMMENDATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514

CFR Citation: 14 CFR 91.83

Legal Deadline: None.

Abstract: Review flight-plan filing requirements and revise according to National Airspace Review Recommendations 2-3.1.4, 2-3.1.5, 2-3.1.6, 2-3.1.7, and 2-3.1.8,i.e., to establish lower ceiling and visibility criteria for rotorcraft so as to reduce the frequency of required IFR alternate airport filings; to allow fixed-wing aircraft to file IFR alternate airports that meet the same criteria as rotorcraft; to require pilots to indicate, in their flight plans, when their aircraft is equipped with special equipment.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-12R

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AC56

1765. REVIEW OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None.

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040). RIN 2120-AB13 has been combined into this review.

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120-AA70

1766. REVIEW: PART 21--CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Flexibility Analysis

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9372

RIN: 2120-AB09

1767. REVIEW OF PARTS 61, 141, 143 - PILOT, PILOT SCHOOL AND GROUND INSTRUCTOR RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 141; 14 CFR 143

Legal Deadline: None.

Abstract: The objective of this rulemaking project is to update and revise Parts 61, 141, and 143 of the Federal Aviation Regulations and determine the feasibility and need for consolidating Parts 61, 141, and 143 into a single regulation covering the entire spectrum of pilot training and certification.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: RIN 2120-AB14 has been combined into this review.

Agency Contact: John D. Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8150

RIN: 2120-AB12

1768. REVIEW: PART 121 -- CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

DOT—FAA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3749

RIN: 2120-AB27

1769. REVIEW: PART 135 -- AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Flexibility Analysis

Agency Contact: Warren Kurtze, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3755

RIN: 2120-AB28

1770. ● REVIEW PART 75 FOR RETENTION OR REVOCATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983); 14 CFR 11.69; 49 CFR 1.47

CFR Citation: 14 CFR 75

Legal Deadline: None.

Abstract: Review Part 75 per National Airspace Review Recommendations toward revocation and establish nonrulemaking procedures for handling Jet Route actions.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information: Regulatory Project No: ATO-200-84-24R

Agency Contact: Robert G. Burns, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9239

RIN: 2120-AC55

1771. PART 91, SUBPART B, REVIEW FOR SIMPLIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: The agency set up a National Airspace Review Task Group for the review of 14 CFR Part 91, Subpart B. This action will cover the recommendations made by the group.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 49 USC 4321 et seq: EO 11514; 49 USC 106(g) Revised Pub L 97-449 January 12, 1983 Regulatory Project ATO-200-85-28R

Agency Contact: Joe Gill, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9252

RIN: 2120-AA07

1772. ACCELERATED GROUND TRAINING - FLIGHT ENGINEERS' SKILL REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Legal Deadline: None.

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 22781.

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120-AA79

1773. INSTRUMENT FLIGHT RULE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: The FAA is considering rulemaking to revise several sections of Part 135 dealing with instrument flight rules. The action is, in part, in response to petitions from Owen Aviation and Liberal Aircraft. The proposed rules would restore the right of single engine airplanes to operate in instrument flight rule conditions under specified conditions, relax minimums at foreign

and military airports, and add visibility and ceiling requirements at airports without standard instrument approach procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 20164

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3750**

RIN: 2120-AA82

1774. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None.

Abstract: This action would delay an October 15, 1992, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8322**

RIN: 2120-AA98

1775. FATIGUE EVALUATION, BIRD IMPACT, AND LIGHTNING PROTECTION FOR PROPELLERS OF COMPOSITE CONSTRUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None.

Abstract: Would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7079**

RIN: 2120-AB05

1776. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This proposal would review special conditions issued for high altitude operation and consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 06/27/84

Agency Contact: Gary Lium, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2134**

RIN: 2120-AB18

1777. PRIMARY CATEGORY AIRCRAFT; POWERED ULTRALIGHT; FALSIFICATION OF APPLICATIONS, REPORTS, OR RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f)-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None.

Abstract: Action will propose to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the notice will propose simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: John McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9590**

RIN: 2120-AB53

1778. PART 157 REVIEW

Significance: Nonsignificant

Legal Authority: Secs 309, 313(a), 314, 72 Stat. 751.; 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None.

Abstract: Revision of FAR Part 157 to include issues relating to ultralight activities and to require notice of proposed traffic patterns and changes thereto. Pending completion of Regulatory Evaluation.

DOT—FAA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Regulatory Project ATO-200-86-13R

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AB74

1779. ANTIBLOCKING DEVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 106(g) Revised Pub. L. 97-449, January 12, 1983; 14 CFR 11.45; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas. Action pending operational evaluation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket Number 23755. Regulatory Project ATO-200-84-2P

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120-AB92

1780. PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 1485; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None.

Abstract: The FAA proposes to update and clarify the certification and operations specifications requirements for persons who operate aircraft for compensation or hire by (1) codifying the Special Federal Aviation Regulation pertaining to the certification requirements and (2) consolidating into one part the certification and operations specifications requirements for persons who operate under Part 121 or Part 135. The proposal responds to the termination of the Civil Aeronautics Board (CAB) and to changes in the air transportation industry since the Airline Deregulation Act of 1978. The proposal would provide a guide enabling persons who operate aircraft for compensation or hire to determine the certification and operations requirements with which they must comply.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3752

RIN: 2120-AC08

1781. AIRCRAFT REGISTRATION RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1401(a); 49 USC 1401(b); 49 USC 1402; 49 USC 1403(g); 49 USC 1405

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None.

Abstract: This is a recodification of 14 CFR Parts 47 and 49 in order to modernize these parts, making them compatible with modern business practices, in keeping with FAA policy.

The potential costs have not yet been assessed, but are considered to be negligible as the impact will be procedural and not substantive.

The potential benefits are the clarification of regulatory language and facilitation of procedures for registration of aircraft and recordation of conveyances affecting ownership of or interest in US civil aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Alonso J. Rodriguez, Attorney Advisor, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, 405 686-2296

RIN: 2120-AC17

1782. ● TEMPORARY FLIGHT RESTRICTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 3101(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.91

Legal Deadline: None.

Abstract: Proposal to amend Section 91.91 to prevent interference with ground or aerial search or investigation by non-participating aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983).

Regulatory Project No: ATO-200-87-9R

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AC40

1783. ● ALTERNATE AIRPORT WEATHER MINIMUM

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.83(c)

Legal Deadline: None.

Abstract: Would revise Section 91.83(c)(l) of the Federal Aviation Regulations to include words that "any airport may be designated as an alternate airport if the forecast weather conditions will permit descent from the minimum en route altitude, approach, and landing under basic visual flight rules."

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-87-6 (Docket #25213)

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AC41

1784. ● IMPROVE SAFETY AND EFFECTIVENESS OF ISLIP AIRPORT RADAR SERVICE AREA (ARSA)

Significance: Nonsignificant

Legal Authority: 49 USC 1341(a); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502; 49 USC 106(g), (Review Pub L. 97-449, January 12, 1983); 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983); 14 CFR 11.69

CFR Citation: 14 CFR 11; 14 CFR 71

Legal Deadline: None.

Abstract: To amend Regulations to reduce the size of the regulatory airport radar service area to approximately a 5-mile radius inner core and a 7-mile radius outer core north of south shore of Long Island. This ARSA requires only two-way radio communication to enter or operate in the ARSA.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information:

Regulatory Project No: ATO-200-87-10P (Docket #25277)

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9255**

RIN: 2120-AC47

1785. ● GLOBAL POSITIONING SYSTEM USE IN TERMINAL CONTROL AREAS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.90

Legal Deadline: None.

Abstract: Adoption of this recommendation would allow aircraft operating in a Group I or II Terminal Control Area to be equipped with Global Position System (GPS), Very High Frequency Omnirange Station (VOR) or Tactical Air Navigation (TACAN) equipment.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-17R

Agency Contact: Robert G. Burns, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9239**

RIN: 2120-AC54

1786. ● NATIONAL AIRSPACE REVIEW RECOMMENDATION - OPERATIONS IN THE VICINITY OF AN AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1452 to 1455; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.85; 14 CFR 91.87; 14 CFR 91.89

Legal Deadline: None.

Abstract: This action would reorganize Sections 91.85, and 91.89 into two sections: a general section concerning aircraft turns and traffic flows, and another section dealing with rules at airports with control towers. Certain current provisions would be deleted.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub. L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-14R

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AC57

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Proposed Rule Stage

1787. + REVIEW AND REVISION OF REPAIR STATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 145

Legal Deadline: None.

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair-station requirements and update the rules to reflect the current international and domestic environment and needs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Raymond E. Ramakis, Division Manager, AFS-300, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3546

RIN: 2120-AC38

1788. + LOW-ALTITUDE WINDSHEAR EQUIPMENT REQUIREMENTS FOR TAKEOFFS/LANDINGS OF TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: This notice proposes to require that all turbojet-powered airplanes operated in accordance with Part 121 have airborne systems that warn a flightcrew of the presence of low-altitude windshear conditions and then provide flight guidance to follow that would produce the optimal flight path for a missed approach procedure. This proposal would require that any Part 121 operator using an approved simulator as a part of its training program develop a specific windshear-related simulator flight training course for its flightcrews. This proposal would require that Part 121 and 135 operators using an approved training program include training concerning the low-altitude windshear phenomenon as a part of their normal ground training. Low-altitude windshear has been a prime causal factor in numerous air carrier accidents and possibly has contributed to a number of general aviation accidents.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25807
NPRM	06/01/87	52 FR 20560
NPRM Comment Period End	09/28/87	

Small Entity: No

Additional Information: Docket No. 19110. In 1975, the FAA began a two-year effort to develop a windshear program. As part of the program, FAA began work to develop a windshear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal, it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. (14 CFR Parts 91, 121 & 135).

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3752

RIN: 2120-AA01

1789. + METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); Act for the Administration of Washington National Airport; Second Washington Airport Act; 64 Stat. 770, Sec. 4

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: This action proposed various operational ceilings at Washington National Airport and contemplated future guidance on operation and development of National and Dulles Airports. Proposed action has been superseded by the Metropolitan Washington Airports Act of 1986 and will be withdrawn.

Timetable:

Action	Date	FR Cite
SNPRM	07/16/84	49 FR 24626
Comment Period		
To be withdrawn	12/00/87	

Small Entity: No

Additional Information: Superseded by Metropolitan Washington Airports Act of 1986.

Analysis: Regulatory Evaluation 06/14/84

Agency Contact: Edward P. Faberman, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3773

RIN: 2120-AA89

1790. ● + REVISION OF FOREIGN REPAIR STATION RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1502; 49 USC 106(g); ...

CFR Citation: 14 CFR 145

Legal Deadline: None.

Abstract: This notice proposes to update the regulations for certificating foreign repair stations to accommodate the increasing demand for maintenance and alteration of U.S.-registered aircraft manufactured worldwide.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Raymond E. Ramakis, Manager, Aircraft Maintenance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3546

RIN: 2120-AC50

1791. + AMEND PART 23 TO INCLUDE REQUIREMENTS FOR CRASH-RESISTANT FUEL SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA57

1792. + AIRPLANE CABIN-FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: To develop a revision to FAR 25.853 to improve fire protection for lavatories and galleys by requiring that smoke detectors and fire extinguishers, among other things, be installed. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Project follows completion of Part 121 rulemaking.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120-AB22

1793. + OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec. 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash-impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash-impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20938
NPRM Comment Period End	12/30/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/07/86

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76193-0111, **817 624-5117**

RIN: 2120-AB35

1794. + PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Legal Deadline: None.

Abstract: The proposed establishment or modification of prohibited airspace over these sites is one segment of a Department of Energy (DOE) comprehensive effort to enhance the protection of vital nuclear weapons research, development, and production facilities. If established, helicopter operations at any altitude over the designated sites would be prohibited without prior DOE authorization. This rulemaking is significant because it may be controversial. A summary of written and oral comments received in response to notices and hearings was sent to the DOE February 22, 1985, for them to address. DOE has conducted an indepth review of security at all sites. A draft final report is undergoing internal DOE coordination. Upon completion, DOE will decide if they will proceed with, modify, or withdraw part or all of their request for a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
Public Hearings Announced	07/20/84	49 FR 29411
Extension of Comment Period	08/07/84	49 FR 31435

Next Action Undetermined

Small Entity: Yes

Agency Contact: Paul Gallant, Special Use Airspace, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9253**

RIN: 2120-AB39

1795. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system. If implemented, the FAA would alter current airline scheduling through a lottery process to more evenly space arrivals and departures throughout the day. Alternatives include voluntary schedule changes by the airlines. The rule, or the alternatives, would benefit the airline industry and the public by limiting delays. This regulation is significant because of its involvement with important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24206.

Agency Contact: Edward P. Faberman, Deputy Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3773

RIN: 2120-AB42

1796. + PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None.

Abstract: Would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit re-modification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/17/87	52 FR 23144
NPRM Comment Period End	09/14/87	

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation

Agency Contact: Steven Albersheim, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120-AB50

1797. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None.

Abstract: Would revise certification and operational requirements for aircraft produced after January 1, 1988. On that date the current two stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Steven Albersheim, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120-AB88

1798. + FLIGHT ATTENDANT FLIGHT-TIME LIMITATIONS AND REST REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: The Association of Flight Attendants and the Joint Council of Flight Attendant Unions have petitioned the FAA to amend Part 121 and 135 to establish maximum duty timelimits and minimum hours of rest for flight attendants. Summaries of the petitions were published (50 FR 6185 and 50 FR 25252) and requested comments to assist the FAA in determining what, if any, regulatory proposals should be developed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3757

RIN: 2120-AB97

1799. + SST STAGE 3 COMPLIANCE

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise type certification standards for turbojet airplanes. This proposal would revise Part 36 so that new type certificated supersonic aircraft would be required to meet Stage 3 noise levels. Action is considered significant because of the substantial public interest which may be generated on the issue.

DOT—FAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39603
Comment Period Reopened Until 07/01/87	03/12/87	52 FR 7618

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 25109 was open 10/30/86 through 2/27/87

Agency Contact: Steven Albersheim, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120-AC22

1800. + LOCATION OF PASSENGER EMERGENCY EXITS IN TRANSPORT-CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: NPRM will propose to establish standards for transport category airplanes, to limit the distance a passenger seat may be from an exit, and the distance between adjacent exits. Purpose is to ensure passengers do not have to traverse excessive distances to escape the aircraft in an emergency, and to prevent U.S. carriers from deactivating the overwing exits of the Boeing 747. Escape-path distance was a major issue of the recent Emergency Evacuation Task Force. Current regulations do not limit escape-path distance. Action is significant because of substantial public interest associated with issues involving aircraft passenger safety.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	

Small Entity: No

Agency Contact: Henri Branting, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9577

RIN: 2120-AC29

1801. + FLIGHT ATTENDANT REQUIREMENTS DURING DEPLANING AND BOARDING

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This action proposes to revise the regulation dealing with the required number of flight attendants to clarify the original intent of the regulation. The current regulations are confusing and not clearly understood. The proposed amendments would clarify the number of flight attendants required when passengers are onboard an airplane, including during boarding and deplaning. The proposals would allow for a reduced number of flight attendants onboard an airplane during specified periods. The proposals would specify the conditions to be met to reduce the number of flight attendants at these stops. Additionally, the proposals would allow other authorized persons to be substituted for the required flight attendants at these stops, and the proposals would clearly establish the requirements for training for those authorized persons. The FAA proposes a new rule that would clarify where the required flight attendants and other persons must be located when they are onboard the airplane.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120-AC32

1802. + CONTROL OF DRUG AND ALCOHOL USE FOR PERSONNEL ENGAGED IN COMMERCIAL AND GENERAL AVIATION ACTIVITIES

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: This notice invites comments on drug and alcohol abuse by personnel in the aviation industry and the options available for regulatory or other actions in the interest of aviation safety. It is intended to gather additional information on the extent to which abuse of drugs or alcohol is impairing the performance of personnel in the aviation community, such as commercial and general aviation pilots and mechanics, and on the costs and effectiveness of various drug and alcohol countermeasures. The rulemaking will cover mandatory random testing.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/86	51 FR 44432
ANPRM Comment Period End	01/23/87	
Comment Period Extended to 02/23/87	01/23/87	52 FR 2547

Next Action Undetermined

Small Entity: No

Agency Contact: Dr. Robert S. Bartanowicz, Assistant Manager, Safety Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9679

RIN: 2120-AC33

1803. + INSTALLATION OF TRAFFIC CONTROL AVOIDANCE SYSTEM IN DOMESTIC TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 121; 14 CFR 25

Legal Deadline: None.

Abstract: This action would propose to require that domestic transport category airplanes be equipped with a traffic collision avoidance system. To facilitate the requirements, it would also be necessary to develop a technical standard order.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	

Small Entity: Undetermined

Agency Contact: Frank Rock, Department of Transportation, Federal

Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9567**

RIN: 2120-AC34

1804. ● + PART 129 SECURITY PROGRAM FOR FOREIGN AIR CARRIERS

Significance: Agency Priority

Legal Authority: 49 USC 1346; 49 USC 1345(a); 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1502; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 129

Legal Deadline: None.

Abstract: This notice proposes to require foreign air carriers that land or take off in the United States to submit to the Administrator for approval a written security program that describes the procedures, facilities, and equipment used by the foreign air carrier to provide for the protection of persons and property traveling in air transportation against acts of criminal violence and air piracy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: David Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3466**

RIN: 2120-AC42

1805. ● + TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This notice will propose to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to exit types and quantities required for passenger seating configurations while retaining the same level of safety. This notice also will propose to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington on September 3-6, 1985.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Franklin Tiangsing, Regulations Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, **206 431-2134**

RIN: 2120-AC43

1806. ● + IMPROVED ACCESS TO TYPE III AND TYPE IV EMERGENCY EXITS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: This notice proposes to amend Parts 25 and 121 of the FAR to provide for improved access to Type III and Type IV emergency exits. These proposals are intended to improve the ability of occupants to evacuate an airplane under emergency conditions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2121**

RIN: 2120-AC46

1807. ● + COMMUTER CATEGORY AIRPLANES: COCKPIT VOICE RECORDER (CVR) AND FLIGHT DATA RECORDER (FDR) REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: This notice would initiate supplemental rulemaking action amending Part 135 to include requirements for CVR's/FDR's in multiengine, turbine-powered airplanes configured to carry six or more passengers and requiring two pilots.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: No

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9567**

RIN: 2120-AC48

1808. ● + PILOTS CONVICTED OF DRIVING WHILE INTOXICATED (DWI)/UNDER INFLUENCE (DUI)

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 65; 14 CFR 67

Legal Deadline: None.

Abstract: This notice proposes to amend the existing Federal Aviation Regulations to allow pilot certification action when a pilot has been convicted of multiple DWI/DUI motor-vehicle offenses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dr. Robert Bartanowicz, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue, SW, Washington, DC 20591, 202 267-9679

RIN: 2120-AC51

1809. PART 77 REVIEW, OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Legal Deadline: None.

Abstract: Would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	

Next Action Undetermined

Small Entity: No

Additional Information: No docket number assigned; Regulatory Project ATO-200-85-15R

Agency Contact: Gene Barnett, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9251

RIN: 2120-AA09

1810. CESSNA FINANCE PETITION

Significance: Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502; 4 USC 1830

CFR Citation: 14 CFR 49; 14 CFR 47

Legal Deadline: None.

Abstract: Petition for rulemaking to amend Parts 47 and 49 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/77	42 FR 55891
NPRM	05/22/80	45 FR 34826

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 17311.

Analysis: Regulatory Evaluation 05/22/80

Agency Contact: Anges M. Jones, Aircraft Regulation Specialist, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, 405 686-2284

RIN: 2120-AA15

1811. INOPERATIVE INSTRUMENTS OR EQUIPMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None.

Abstract: This notice supplements NPRM 81-14, which proposed to permit the operation of powered aircraft with certain inoperative instruments and equipment that are not essential for the safe operation of the aircraft. After further review of the comments from the public, the FAA concluded that provisions in that notice could be accomplished with less paperwork, and the concept could be further modified to conform to other pertinent regulations. This supplemental notice proposes to permit rotorcraft and nonturbine powered airplanes (for which a master minimum equipment list has not been developed), that are not being utilized in an air carrier operation, to be operated with certain inoperative instruments and equipment. Furthermore, this supplemental notice proposes to permit flight operations with certain inoperative instruments and equipment for small multiengine rotorcraft and nonturbine-powered small multiengine airplanes (for which a master minimum equipment list has been developed and that are not being utilized in an air carrier operation) the option of selecting the minimum equipment (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278
NPRM Comment Period End	01/25/82	
NPRM Supplemental (SNPRM)	09/28/87	

Small Entity: No

Additional Information: ABSTRACT CONT: list concept or complying with the provision contained in the new proposed regulations.

Analysis: Regulatory Evaluation 10/26/81

Agency Contact: John Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3841

RIN: 2120-AA19

1812. ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: James Major, Department of Transportation, Federal

Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5117**

RIN: 2120-AA29

1813. IMPLEMENTATION OF SAFER PROPULSION SYSTEM RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This action would amend Sec. 25.975 to require fuel tank vent protection during ground fires and Sec. 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24251

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA49

1814. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None.

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	12/03/83	48 FR 45214

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23781.

Analysis: Regulatory Evaluation 10/03/83

Agency Contact: Jean Casciano, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9683**

RIN: 2120-AA50

1815. AIRCRAFT SIMULATOR USE IN AIRMAN TRAINING AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 135

Legal Deadline: None.

Abstract: This notice will propose to amend Part 61 to permit additional use of and establish approval criteria for aircraft simulators and training devices for airman training and certification by amending various sections of Part 61 and appendices including additional appendices for rotorcraft and helicopters and by adding a new appendix for advanced simulation criteria. Additionally, this notice will propose to permit additional usage of aircraft simulators and training devices for the pilot-in-command proficiency requirements of Part 61 for airmen operating large or multiengine turbojet-powered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Alberta A. Brown, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8150**

RIN: 2120-AA83

1816. NATIONAL AIRSPACE REVIEW (NAR): TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 1; 14 CFR 71; 14 CFR 91

Legal Deadline: None.

Abstract: Would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area," (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5054
ANPRM Comment Period End	06/06/85	50 FR 5054

Next Action Undetermined

DOT—FAA

Proposed Rule Stage

Small Entity: Undetermined

Additional Information: Regulatory Project ATO-200-83-17R

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AB02

1817. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: This action proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 11/15/85

Agency Contact: Denny Whitmire, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2119**

RIN: 2120-AB17

1818. TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: This project is to solicit public comment on possible revision and clarification of transport rotorcraft performance and airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	04/30/88	

Small Entity: Undetermined

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76193-0111, **817 624-5109**

RIN: 2120-AB36

1819. MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 91; 14 CFR 125; 14 CFR 135

Legal Deadline: None.

Abstract: This notice will propose to amend the regulations that deal with passenger information, safe passenger egress, child restraint, and emergency equipment. The proposals would prohibit smoking at any time in any location displaying a "no smoking" sign or placard. They would require that passengers wear safety belts at any time a "fasten seatbelts" sign is turned on. They would require that the "fasten seatbelts" sign be turned on during taxi. They would clearly establish a requirement for an assisting means of egress and the stowage of passenger service equipment prior to taxi. They would make the pilot in command or, in the case of operations under Part 121, the certificate holder responsible for informing the passengers that they may be liable for a civil penalty should they fail to comply with FAA regulations. They would require that supplementary child restraint devices be accepted by a certificate holder when requested by the child's attendant.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3752**

RIN: 2120-AB45

1820. LOW-FUEL-QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: Possible revision to FAR 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	

Small Entity: No

Additional Information: Docket No 25213.

Analysis: Regulatory Evaluation 05/16/85

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2135**

RIN: 2120-AB46

1821. PART 101 REVIEW PROGRAM

Significance: Nonsignificant

Legal Authority: Secs 307, 313(a), 402, 601, 602, 603, 902, 1110, 1302; 72 Stat 749; 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 101

Legal Deadline: None.

Abstract: This Review Program is intended to provide full public participation in matters concerning

FAA evaluation of the operation of moored balloons, kites, unmanned rockets, and unmanned free balloons. Pending completion of Regulatory Evaluation. NPRM is being drafted.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Part 91 revision also required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both parts 91 and 101 with respect to balloon operations. Regulatory Project ATO-200-84-20R

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120-AB75

1822. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None.

Abstract: Advance notice proposed the addition of a new paragraph, FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage. NPRM would add additional requirement for safety of operation in the event throttle linkage operation occurs.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 1724
ANPRM Comment Period End	04/29/86	

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120-AB76

1823. AMEND SECTION 43.17 TO ALLOW FOR MAINTENANCE OF U.S. AERONAUTICAL PRODUCTS IN CANADA IN COMPLIANCE WITH THE U.S.-CANADIAN BILATERAL AIRWORTHINESS AGREEMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None.

Abstract: The proposed amendment would revise Section 43.17 to provide for the acceptance of maintenance, alteration, or modification accomplished on U.S.-registered aircraft, other aeronautical products, and components, in Canada, by persons authorized by Transport Canada Airworthiness Group and approved for return to service in accordance with the U.S.-Canadian Bilateral Airworthiness Agreement.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Angelo Mastrullo, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3805

RIN: 2120-AB89

1824. REVISED ONE-ENGINE-INOPERATIVE RATINGS FOR ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None.

Abstract: This project proposes to revise Parts 27 and 29 to set forth qualifications and performance associated with optional 30-second/2-minute one-engine-inoperative (OEI) ratings for rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	

Small Entity: No

Analysis: Regulatory Evaluation 11/30/87

Agency Contact: Wilbur F. Wells, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0111, 817 624-5123

RIN: 2120-AB90

1825. TURBINE BURST PROTECTION FOR TRANSPORT CATEGORY HELICOPTERS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: This project proposes to revise Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	04/30/88	

Small Entity: No

Analysis: Regulatory Evaluation 03/20/87

Agency Contact: Wilbur F. Wells, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0111, 817 624-5123

RIN: 2120-AB91

1826. CONTROLLED AIR SPACE DESIGNATIONS IN INTERNATIONAL AIR SPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None.

DOT—FAA

Proposed Rule Stage

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Regulatory Project ATO-200-84-19R/ATO-200-84-7R

Analysis: Regulatory Evaluation 07/00/85 (50 FR 30798)

Agency Contact: **William C. Davis**, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AB93

1827. AIRSPACE RECLASSIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 14 CFR 11.45; 14 CFR 11.65

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75; 14 CFR 91; 14 CFR 103; 14 CFR 105; 14 CFR 1

Legal Deadline: None.

Abstract: Users organizations recommended, under the National Airspace Review, to redesign the airspace system to a more simple system similar to the systems in place in Canada and proposed under ICAO recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket number 24456.

Regulatory Project ATO-200-84-7R

Analysis: Regulatory Evaluation 01/01/86

Agency Contact: **William C. Davis**, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AB95

1828. TERMINAL CONTROL AREA (TCA) SAN DIEGO (MODIFICATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510

CFR Citation: 49 CFR 71

Legal Deadline: None.

Abstract: Terminal Control Areas (TCA) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	02/26/86	51 FR 07448
NPRM Comment Period End	05/05/86	

Next Action Undetermined

Small Entity: No

Agency Contact: **Robert L. Laser**, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9255**

RIN: 2120-AB98

1829. TRANSPONDER REQUIREMENTS IN COASTAL AIR DEFENSE IDENTIFICATION ZONES (ADIZ)

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: This proposal would require aircraft to have an operating transponder when operating into, within, or out of the United States through coastal air defense identification zones (ADIZ).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Regulatory Project ATO-200-85-8R

Affected Sectors: Multiple

Agency Contact: **Reginald C. Matthews**, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9245**

RIN: 2120-AB99

1830. CHANGES REQUIRING A NEW TYPE CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857f-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This notice would propose to amend the Federal Aviation Regulations to permit certain aircraft product changes to be accomplished under amended type certification or supplemental type certification procedure in lieu of applying for a new type certificate. The granting of several exemptions emphasized the need for a review of established criteria mandating an application for a new type certificate. The availability of advanced, high performance, light-weight engines and superior replacement systems requires this rule change for the upgrading of older seasoned designs to increase safety, utility, performance, and reliability, and reduce operational cost. The rule remains unchanged for aircraft product modifications which are so extensive that a substantially complete investigation of compliance is required.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Nick Dobi, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9568**

RIN: 2120-AC05

1831. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 5 (EQUIPMENT, SYSTEMS, AND INSTALLATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This proposed amendment to Part 23 would allow certification of small airplanes with systems critical to safe flight that are not now approved without special conditions, exemptions, or equivalent safety findings.

Timetable:

Action	Date	FR Cite
NPRM	10/23/87	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 02/04/86

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AC14

1832. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 2

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This notice will propose design requirements applicable to advancements in technology being incorporated into current designs, reducing the hazards from bird strike, allowing certification of spin resistant airplanes, reducing the regulatory burden in showing compliance with some requirements, and providing requirements for new technology that is being utilized in the development of small airplanes.

Timetable:

Action	Date	FR Cite
NPRM	11/20/87	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 01/30/87

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AC15

1833. NOISE AND EMISSION STANDARDS FOR AIRCRAFT POWERED BY ADVANCED TURBOPROP (PROPFAN) ENGINES

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise standards for type certification of airplanes. A new generation of aircraft powered by prop-fan engines may present a noise problem that is not currently addressed by Part 36 in that enroute noise at cruise altitude (25,000 to 30,000 ft) may require a new standard. This proposal would establish a new standard to control high altitude flyover noise from these new types of aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/87	52 FR 8050
ANPRM Comment Period End	06/11/87	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Steven Starley, Manager, Noise Abatement Division, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3553**

RIN: 2120-AC20

1834. ROTORCRAFT CERTIFICATION REQUIREMENTS; COORDINATION WITH EUROPEAN AIRWORTHINESS AUTHORITIES STEERING COMMITTEE (AASC)

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29; 14 CFR 27

Legal Deadline: None.

Abstract: Rotorcraft manufacturers and foreign airworthiness authorities would like one set of standards to reduce cost of airworthiness certifications. Many countries now use FAR Parts 27 and 29, with some national differences, as their standards.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	

Small Entity: Undetermined

Agency Contact: R. W. Weaver, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5122**

RIN: 2120-AC27

1835. PART 99: AIR DEFENSE IDENTIFICATION ZONES AND MISCELLANEOUS EDITORIAL REVISION

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: North American Air Defense modernization requires realignment of the Air Defense Identification Zones to bring them in line with planned coverage and current capabilities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Regulatory Project ATO-200-86-20P

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of

DOT—FAA

Proposed Rule Stage

Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120-AC37

1836. ● IMPROVED STRUCTURAL REQUIREMENTS FOR PRESSURIZED CABINS AND COMPARTMENTS IN TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This notice proposes to amend Part 25 of the Federal Aviation Regulations (FAR) to upgrade the structural requirements for transport category airplane pressurized cabins by (1) amending the criteria for evaluation of the secondary effects of openings in the pressure vessel, and (2) extending the area of consideration to include openings anywhere within the pressure vessel. The required opening sizes to be considered would not be changed. The proposal is the result of an FAA review of the pressurized cabin load requirements and is intended to make the pressurized cabin load requirements less design-dependent and more objective. It would require evaluation of openings in any pressurized compartment and examination of the effects of differential pressure loads on any critical structure inside or outside of the pressurized cabin.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: James Haynes, Policy and Procedures Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, 206 431-2113

RIN: 2120-AC44

1837. ● MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: This notice proposes to modify the procedures for conducting an emergency evacuation demonstration by requiring that the flight-crew take no active role in the demonstration and changing the age/sex distribution requirement for demonstration participants. This notice also proposes to standardize the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it is proposed to add a requirement for a "push to talk" switch to the public address system. These proposals are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120-AC45

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Final Rule Stage

1838. + UPDATE OF PART 139

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1432 Federal Aviation Act of 1958, Sec. 612

CFR Citation: 14 CFR 139

Legal Deadline: None.

Abstract: Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting, rescue, and airport fueling operation requirements. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/23/85	50 FR 43094
NPRM Comment Period End	01/21/86	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: Yes

Additional Information: This project was initiated on June 25, 1975, in response to a GAO evaluation of the FAA's Airport Certification Program and the result it has on improving the safety of airports. Recent delays have occurred due to industry concerns over aviation fueling responsibilities. FAA has reviewed proposals presented by a group of aviation organizations and changes have been made to the NPRM. The NPRM was published in the Federal Register on October 23, 1985. The comment period closed on January 21, 1986.

Agency Contact: Jose Roman, Jr., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8724

RIN: 2120-AA10

1839. + IMPROVED SEAT-SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

DOT—FAA

Final Rule Stage

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: To develop improved load-test criteria for occupant seat restraint systems on transport airplanes based on the ongoing joint FAA/NASA/industry transport airplane crashworthiness program which encompasses tests and studies of past survivable accident data. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25982
NPRM Comment Period End	01/14/87	
Final Action	02/00/88	

Small Entity: No

Additional Information: Docket No. 25040

Analysis: Regulatory Evaluation 07/17/86 (51 FR 25982)

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120-AA88

1840. + CERTIFICATION OF RECREATIONAL PILOTS AND ANNUAL FLIGHT REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None.

Abstract: This final rule would establish a recreational pilot certificate which would allow a student pilot to receive certification to fly certain aircraft after fewer hours of training than are currently required of a private pilot applicant. The recreational pilot certificate is intended to be a low-cost alternative to a private pilot certificate for persons interested in flying basic, experimental, or homebuilt aircraft in close proximity to a home airport that is not in airspace in which communication with an air traffic control facility is required. The rule would also establish an annual flight review requirement for noninstrument-rated private pilots with fewer than 400 flight hours.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	50 FR 26286
NPRM Comment Period End	09/24/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24695

Agency Contact: Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3844**

RIN: 2120-AA54

1841. + CIVIL HELICOPTER NOISE CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 42 USC 4321 et seq. National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None.

Abstract: Would revise noise certification standards for aircraft to add provisions applicable to helicopters. These would apply to civil helicopters in the normal, transport, and restricted categories, and would provide noise-level limits and test procedures for the issuance of new and amended type certificates. It would also prohibit changes in type design of helicopters that might increase their noise levels beyond certain limits. Although this notice contains several provisions similar to those in an earlier notice, which was withdrawn in 1981, it differs from that notice in several important aspects. One is the absence of any limit on manufacture of older non-conforming types; another is the increased commonality between these proposed standards and those adopted by the International Civil Aviation Organization (ICAO).

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7878
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entity: No

Additional Information: Part 36 of the Federal Aviation Regulations (14 CFR Part 36) contains noise standards for aircraft type and airworthiness certification. As the part is currently organized, Subparts B and C and Appendices A, B, and C apply to transport category large airplane and subsonic turbojet-powered airplanes regardless of category. Appendix F contains the provisions applicable to propeller-driven light airplanes. This notice proposes to prescribe noise levels and test procedures for civil helicopters certificated in the normal, transport, and restricted categories. These proposals include rules governing the issuance of new and amended type certificates for helicopters for which application is made on and after the publication date of this notice. The proposed rule would prohibit certain growth or other design changes if those changes might result in noise levels beyond prescribed limits. The proposed rule also provides the test conditions and procedures for conducting helicopter noise tests to demonstrate compliance with the prescribed noise levels.

Analysis: Regulatory Evaluation 09/00/85; Environmental Analysis 09/00/85

Agency Contact: Steven Albersheim, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3560

RIN: 2120-AB33

1842. + PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER-DRIVEN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None.

Abstract: Would revise noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This proposal would revise test procedures applicable to noise certification tests conducted on or after January 1, 1988. It would also revise the noise-level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals result from industry requests for certification to be more directly based upon typical inservice noise measurements and from studies conducted in several nations over a three-year period under the auspices of the International Civil Aviation Organization. In addition, the FAA proposes to exempt antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/14/86	51 FR 25500
NPRM Comment Period End	10/09/86	
Final Action	10/00/87	

Small Entity: No

Analysis: Draft Regulatory Evaluation 10/00/86

Agency Contact: **Steven Albersheim,** Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3560**

RIN: 2120-AB47

1843. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date, regardless of the date of application for type certificate.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19140
NPRM Comment Period End	11/24/86	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24995

Analysis: Regulatory Evaluation 05/27/86

Agency Contact: **Robert Hall,** Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2143**

RIN: 2120-AB77

1844. + PART 23 AIRWORTHINESS REVIEW - NOTICE NO. 1 (CRASHWORTHINESS)

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This notice proposes changes to the airworthiness standards to enhance cabin safety and occupant protection by raising the level of crashworthiness for new designs of small airplanes type certificated after a certain date.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44878
NPRM Comment Period End	06/12/87	

Next Action Undetermined

Small Entity: No

Additional Information: This notice is the first of several planned notices resulting from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 12/12/85

Agency Contact: **Earsa L. Tankesley,** Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AC16

1845. + TERMINAL CONTROL AREA CLASSIFICATION AND PILOT/EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 71; 14 CFR 91

Legal Deadline: None.

Abstract: Proposes to establish a single-class TCA having common pilot and equipment requirements. This proposed action is consistent with determinations made by the National Airspace Review and FAA TCA Review Teams that different classifications of TCA airspace are outdated and no longer valid, and that all aircraft, including helicopters, should operate under a single set of pilot and equipment requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22918
NPRM Comment Period End	08/17/87	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: RIN 2120-AC36 has been combined into this proceeding.

Analysis: Regulatory Evaluation 01/21/87

Agency Contact: **Robert G. Burns, Air** Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9239**

RIN: 2120-AC35

1846. REVISION OF PART 91

Significance: Nonsignificant

DOT—FAA

Final Rule Stage

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: This proposed amendment reorganizes and realigns the general operating and flight rules to make them more understandable and easier to use. Also, several changes are being made to provide more flexibility for certain operations. These changes resulted from comments received from the general public and aviation industry in response to a request for specific comments to help identify substantive areas needing review.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 18334.

Analysis: Regulatory Evaluation 09/10/81

Agency Contact: Marion Clemens or Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8150**

RIN: 2120-AA13

1847. ROTORCRAFT REGULATORY REVIEW PROGRAM AMENDMENT NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 1; 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None.

Abstract: This amendment changes Parts 1, 27, 29, and 33 in the area of propulsion system requirements. New rules or changes to rules are included in the area of engine ratings, detailed combustion heater requirements, lightning protection, system tests, and oil requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46670
NPRM Comment Period End	03/26/85	
Final Action	11/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 11/27/84

Agency Contact: Wilbur Wells, Department of Transportation, Federal Aviation Administration, PO Box 1689, Fort Worth, TX 76193-0111, **817 624-5123**

RIN: 2120-AA28

1848. STANDARDS FOR APPROVAL OF AN AUTOMATIC TAKEOFF THRUST CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This action would review certain special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated.

Timetable:

Action	Date	FR Cite
NPRM	04/27/84	49 FR 18240
Extension of Comment Period	07/20/84	49 FR 29410
NPRM Comment Period End	08/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: The special conditions included in this project are automatic take-off thrust control systems (ATTCS). Docket No. 24046.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 09/10/85

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA46

1849. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24344

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 12/03/84

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2112**

RIN: 2120-AA47

1850. AMEND PART 23 TO INCLUDE EMPENNAGE FATIGUE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing.

Timetable:

Action	Date	FR Cite
NPRM	09/22/86	51 FR 33700
NPRM Comment Period End	01/21/87	

Next Action Undetermined

Small Entity: No

Additional Information: The FAA is evaluating additional data obtained from NASA.

Analysis: Regulatory Evaluation 02/18/86 (51 FR 33700)

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA58

1851. NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise type certification standards for turbo jet powered airplanes and propeller driven small airplanes regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	50 FR 4172
NPRM Comment Period End	04/24/85	
Final Action	12/16/87	

Small Entity: Yes

Additional Information: Will also consider Petition for Rulemaking from the Aerospace Industries of America (Docket No. 23340; Petition Notice No. PR-82-13). Comment Period closed January 20, 1983.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/29/85; Environmental Assessment 07/00/85

Agency Contact: Steven Albersheim, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3560**

RIN: 2120-AA74

1852. ROTORCRAFT STRUCTURAL FATIGUE INCLUDING TOLERANCE TO FLAWS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: This amendment would revise Section 29.571 to add flaw tolerance to the fatigue evaluation of rotorcraft structure.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	09/22/86	51 FR 33704
NPRM Comment Period End	04/03/87	51 FR 45343
Final Action	02/01/88	

Small Entity: No

Additional Information: Docket No. 23485.

Public meeting held on February 8, 1983.

Analysis: Regulatory Evaluation 09/16/85

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5122**

RIN: 2120-AA84

1853. NIGHTTIME VFR WEATHER MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Would standardize weather minimums in all airspace at night.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124

Next Action Undetermined

Small Entity: No

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 48 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 42 USC 4321 et seq; EO 11514 49 USC 106(a) Revised Pub. L. 97-449 January 12, 1983 Regulatory Project ATO-200-83-16R

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AB04

1854. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES, ELECTRICAL AND/OR ELECTRONIC ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None.

Abstract: Would add a new section, FAR 33.28 to incorporate requirements for electronic controls for aircraft engines.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 02/14/85

Agency Contact: Cosimo J. Bosco, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 270-2492

RIN: 2120-AB06

1855. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project revises Appendix B of Parts 27 and 29 to permit IFR operations at airspeeds below the normal minimum instrument airspeed during approach and landing.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 21488
NPRM Comment Period End	04/03/87	51 FR 45343
Final Action	07/15/88	

Small Entity: No

Additional Information: The FAA has determined that adoption of this proposal will not result in an economic burden on the public. It is a relieving rule that removes a minimum speed limitation when certain optional performance standards are met.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76193-0111, 817 624-5109

RIN: 2120-AB87

1856. FLIGHT PLAN AND TRANSPONDER-ON REQUIREMENTS IN AIR DEFENSE IDENTIFICATION ZONES (ADIZ)

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: The proposal would require that all civil aircraft operating into, within, or out of the United States through a coastal air defense identification zone be operated under a filed flight plan regardless of true airspeed. Each such operation by an aircraft equipped with a functioning air traffic control (ATC) transponder would have to be conducted with that transponder on and replying on the appropriate code or on a code assigned by ATC.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 37882
NPRM Comment Period End	12/23/86	

Next Action Undetermined

Small Entity: No

Additional Information: Regulatory Project ATO-200-85-13R

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120-AC00

1857. AIRCRAFT IDENTIFICATION AND RETENTION OF FUEL SYSTEM MODIFICATION RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 91

Legal Deadline: None.

Abstract: The FAA proposes to require: (1) that 12-inch high nationality and registration marks (N-numbers) be displayed on aircraft that penetrate an Air Defense Identification Zone (ADIZ) or a Defense Early Warning Identification Zone (DEWIZ); (2) that a civil aircraft identification (ID) plate be displayed in a visible area on the exterior of an aircraft near the right rear-most entrance; and (3) that a copy of the FAA Form 337 for the installation of a temporary extended range fuel system be obtained and kept in the aircraft by the owner or operator until the system is removed. The U.S. Customs Service has requested the FAA to consider amending these regulations to assist in identifying aircraft suspected of being involved in drug trafficking.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25174
NPRM Comment Period End	09/09/86	
Final Action	11/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/86 (51 FR 25174)

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9541

RIN: 2120-AC11

1858. PART 150 - AIRPORT NOISE-COMPATIBILITY PLANNING

Significance: Nonsignificant

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 49 USC 2101 to 2104(b); 49 USC 1.47(m); 49 USC 2201 et seq.

CFR Citation: 14 CFR 150

Legal Deadline: None.

Abstract: Part 150 of the Federal Aviation Regulations prescribes requirements for airport operators who voluntarily choose to submit compatibility planning programs to the FAA. Operators of airports whose maps and programs have been accepted by the FAA as meeting the Part 150 standards are then eligible to apply for funding noise-control projects under the Airport Improvement Program and are further afforded certain legal rights under the law. The current rule includes

heliports that are located on public-use airports; the proposed rule would extend coverage to free-standing public-use heliports.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/86	51 FR 40037
ANPRM Comment Period End	02/03/87	
Interim Final Rule	10/00/87	

Small Entity: Undetermined

Analysis: Economic Assessment 08/15/84

Agency Contact: Robert B. Hixson, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3565**

RIN: 2120-AC19

1859. ● MANDATORY REPORTING FOR EMERGENCY EVACUATION SYSTEMS AND COMPONENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; ...

CFR Citation: 14 CFR 121.703(a)

Legal Deadline: None.

Abstract: This notice proposes to amend the mechanical reliability reporting requirement contained in Part 121 to require certificate holders to report each failure, malfunction, or defect of emergency evacuation systems and components. This action is necessary to collect, record, analyze, and disseminate data concerning those failures, malfunctions, or defects that occur during training, testing, or actual emergency conditions to improve the levels of reliability and safety.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20982
Final Action	00/00/00	

Small Entity: No

Agency Contact: George Johnson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3798**

RIN: 2120-AC49

1860. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 05/00/87 - 05/00/88.

Timetable:

Action	Date	FR Cite
Final Action	05/00/88	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8277**

RIN: 2120-AA63

1861. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--300. 10/00/86 - 10/00/87

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9580**

RIN: 2120-AA64

1862. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 05/00/87 - 05/00/88.

Timetable:

Action	Date	FR Cite
Final Action	05/00/88	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8277**

RIN: 2120-AA65

1863. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--525. 10/00/86 - 10/00/87.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: John Watterson, Department of Transportation, Federal Aviation Administration, 800

DOT—FAA

Final Rule Stage

Independence Avenue, SW,
Washington, DC 20591, 202 267-8783

RIN: 2120-AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

1864. + CARRY-ON BAGGAGE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This rule requires Part 121 air carriers to develop and use approved carry-on baggage programs. The rule also requires air carriers to verify that each article of baggage is properly stowed before the last cabin door is closed prior to pushback or taxi.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19134
NPRM Comment Period End	07/28/86	
Final Action	06/05/87	52 FR 21472
Final Action Effective	07/06/87	

Small Entity: Undetermined

Additional Information: Compliance date is 01/01/88.

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8096

RIN: 2120-AC06

1865. + PROTECTIVE BREATHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This rule amends the regulations applicable to PBE by (1) incorporating the requirements of Section 25.1439 into current Section 121.337, (2) providing new standards for PBE for crewmembers that may fight smoke or fire in the airplane while in flight, (3) requiring the performance of an approved firefighting drill using PBE; (4) requiring that additional PBE be located within 3 feet of each required band fire extinguisher in passenger compartments when possible; and (5) clarifying certain recommendations of the NTSB, which found during an accident investigation that smoke goggles used by several air carriers did not adequately protect the flight crew and that some goggles restricted the user's vision.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	
NPRM Comment Period End	02/10/86	50 FR 41452
Final Action	06/03/87	52 FR 20950
Final Action Effective	07/06/87	

Small Entity: Yes

Additional Information: Docket No. 24792. Compliance date is 7/6/89.

Analysis: Regulatory Flexibility Analysis

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120-AB32

1866. + CHARGES FOR USE OF METROPOLITAN WASHINGTON AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433; PL 99-500, Sec 6005(c)(10)

CFR Citation: 14 CFR 159.181 to 185

Legal Deadline: Statutory, June 1, 1987. P.L. 99-500 Sec. 6005(c)(10) requires new fees to be in place on date of airport transfer.

Abstract: Revision reflects changed costs of operating the airports. This rulemaking was required to revise fees in accordance with P.L. 99-500, Sec. 6005(c)(10) and contractual obligations.

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	52 FR 8040
Final Action Effective	06/05/87	
Final Action	06/09/87	52 FR 21908

Small Entity: No

Additional Information: Metropolitan Washington Airports transferred under P.L. 99-500 (October 1986) to the Metropolitan Washington Airports Authority effective June 7, 1987.

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AB48

1867. + TERMINAL CONTROL AREA PILOT AND EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Proposes common pilot and equipment requirements for aircraft operations within terminal control areas. Proposed action is consistent with determination made by FAA TCA Review Group that all aircraft, including helicopters, operate under a single set of pilot and equipment requirements.

Timetable:

Action	Date	FR Cite
Combined with RIN 2120-AC35	06/16/87	52 FR 22918

Small Entity: Undetermined

Additional Information: Regulatory Project ATO-200-86-22R/ATO-200-86-21R

Analysis: Regulatory Evaluation 01/21/87

Agency Contact: Robert G. Burns, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9239

RIN: 2120-AC36

1868. ● + MINIMUM UPPER LIMIT FOR TERMINAL CONTROL AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983); 14 CFR 11.69; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472

CFR Citation: 14 CFR 71.12; 14 CFR 91.24(b)(4)

Legal Deadline: None.

Abstract: Proposal to amend Part 71 (Terminal Control Area Description) by establishing minimum upper altitude limit for TCA's at 10,000 feet mean sea level and concurrently amending Part 91.24(b)(4) so as to lower the altitude above which Mode C is required in controlled airspace. This entry is duplicative of RIN 2120-AC52 and is therefore deleted.

Timetable:

Action	Date	FR Cite
Deleted as duplicative of RIN 2120-AC52	08/12/87	

Small Entity: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983).

Regulatory Project No: ATO-200-85-20P (Docket #24496)

Agency Contact: Robert G. Burns, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9239

RIN: 2120-AC53

1869. REVIEW: PART 67--MEDICAL STANDARDS AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None.

Abstract: This part prescribes the medical standards and procedures that apply to the issuance of medical certificates to airmen. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Combined with RIN #2120-AA70	06/22/87	

Small Entity: Undetermined

Additional Information: This review is combined with RIN #2120-AA70 "Review of Medical Standards and Certification Procedures."

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120-AB13

1870. REVIEW: PART 141--PILOT SCHOOLS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 141

Legal Deadline: None.

Abstract: This part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings; the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate; and the facilities an applicant must have available to hold a pilot school or provisional pilot school certificate. Also prescribed are the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate or rating; the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority; and the operating rules that are applicable to a pilot school or provisional pilot school certificated under this part. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
This review was combined with RIN #2120-AB12	06/16/87	

Small Entity: Undetermined

Analysis: Regulatory Flexibility Analysis

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB14

1871. REVIEW: CARRIAGE OF WEAPONS AND OTHER DANGEROUS OBJECTS AT WASHINGTON NATIONAL AIRPORT AND WASHINGTON DULLES INTERNATIONAL AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 2401; 49 USC 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159.79

Legal Deadline: None.

Abstract: Amendment clarifies existing rules governing the carriage of weapons and other dangerous objects on Washington National Airport and Dulles International Airport so that rule more closely conforms to regulations governing aviation security and to existing local ordinances. The change makes it easier for the public to comply with airports' rules without compromising airport security.

Timetable:

Action	Date	FR Cite
NPRM	11/13/86	51 FR 41290
NPRM Comment Period End	01/12/87	
Final Action Effective	06/05/87	
Final Action	06/08/87	52 FR 21502

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Edward S. Faggen or Jana E. McIntyre, Legal Counsel, Attorney, Department of Transportation, Federal Aviation Administration, Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AC01

1872. FOREIGN AIR CARRIERS AND OPERATORS OF CERTAIN LARGE U.S.- REGISTERED AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: None.

Abstract: These amendments require that U.S.-registered aircraft leased by foreign persons be maintained in accordance with acceptable maintenance standards and clarify certain rules to preclude the commingling of noncommon (private) and common-carriage operations.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50588
NPRM Comment Period End	04/10/86	
Final Action	05/28/87	52 FR 20026
Final Action Effective	08/25/87	

Small Entity: No

Additional Information: Docket No. 24856

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120-AA42

1873. AIRCRAFT FLEET MODERNIZATION STRATEGIES

Significance: Nonsignificant

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 42 USC 4321 et seq

CFR Citation: 14 CFR 21, (Revision); 14 CFR 23, (Revision); 14 CFR 25, (Revision); 14 CFR 36, (Revision); 14 CFR 91, (Revision)

Legal Deadline: None.

Abstract: The FAA was directed by the Appropriations Committee of the U.S. House of Representatives (H. Report 99-256) to report on alternatives available to provide incentives to air carriers to accelerate modernization of the commercial aircraft fleet. This report detailed those alternatives, including a program of regulatory actions that might be taken by the FAA over a period of five to seven years, for implementation for up to fifteen years. This item will no longer appear in the Agenda.

Timetable:

Action	Date	FR Cite
Public Hearing Announcement	12/01/85	50 FR 45701
Public Hearing	12/10/85	
Report to Congress (Reg. Program) Description of Regulatory Alternative for Fleet Modernization	04/01/86	
End Review	04/01/86	

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Steve Starley, Manager, Noise Abatement Division, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3553

RIN: 2120-AC03

1874. PREFLIGHT ASSEMBLY OF GLIDERS AND BALLOONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 10€(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 61; 14 CFR 91

Legal Deadline: None.

Abstract: These amendments discontinue classifying glider and balloon assembly as preventive maintenance, except in certain circumstances; add training requirements for pilots in preflight assembly of gliders and balloons, and add preflight assembly and post assembly inspections to the preflight responsibilities for glider and balloon pilots. The amendments are needed to ensure the continued assignment of responsibilities for preflight assembly and inspection of gliders and balloons while simultaneously reducing the recording burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21722
Final Action	05/06/87	52 FR 17276
Final Action Effective	06/05/87	

Small Entity: No

Analysis: Regulatory Evaluation 05/00/86 (51 FR 21722)

Agency Contact: George Johnson, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3798

RIN: 2120-AC10

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Prerule Stage

1875. ● + DRIVER'S RECORD OF DUTY STATUS; ONBOARD RECORDING DEVICES

Significance: Agency Priority

Legal Authority: 49 USC App 2505; 49 USC 3102

CFR Citation: 49 CFR 395

Legal Deadline: None.

Abstract: The FHWA has initiated rulemaking to address the use of onboard recording devices in motor vehicles operating in interstate commerce. This action is being taken in response to a petition filed by the

Insurance Institute for Highway Safety (IIHS) on 2/25/87. The original IIHS petition (10/86) requested that the FHWA require motor carriers to use onboard recording devices for recording the driver's hours of service. This rulemaking is considered significant because of the substantial public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/87	52 FR 26289
ANPRM Comment Period End	10/13/87	52 FR 26289
NPRM	01/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 366-4049

RIN: 2125-AB95

1876. HIGHWAY BEAUTIFICATION: OUTDOOR ADVERTISING: TECHNICAL AMENDMENT

Significance: Nonsignificant

Legal Authority: 23 USC 131; 23 USC 315

CFR Citation: 23 CFR 750

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulations in order to clarify existing FHWA policy that temporary political campaign signs and other signs, displays, and devices associated with Federal, State, or local elections may be permitted without violating the Highway Beautification Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Reg. Evaluation (Minimal Impact) 00/00/00

Agency Contact: Edward V. A. Kussy, Department of Transportation, Federal Highway Administration, 700 Seventh Street, SW, Washington, DC 20590, 202 366-0791

RIN: 2125-AB32

1877. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; RESTRUCTURE

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: The FHWA is considering the need for a new Manual on Uniform Traffic Control Devices (MUTCD) and a new format. The MUTCD is incorporated by reference in 23 CFR Part 655, Subpart F and is recognized as the national standard for traffic control devices on all public roads. The FHWA is interested in possible ways to simplify, clarify, or expedite the present format and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/09/86	51 FR 20840
ANPRM Comment Period End	07/20/87	51 FR 20840
ANPRM Extend Comment Period to	09/01/87	52 FR 11502
NPRM	10/00/87	

Small Entity: No

Additional Information: An extensive public comment period was provided and extended to 09/01/87. FHWA docket # 86-12 has been assigned to this rulemaking action.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2184

RIN: 2125-AB57

1878. ● NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; REVISION OF PART VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 109(b); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: The FHWA has initiated rulemaking to consider the need to update the standards in Part VI, Traffic Controls For Street and Highway Construction and Maintenance Operations, of the Manual On Uniform Traffic Control Devices (MUTCD). If adopted, these standards could be incorporated into the MUTCD.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/87	

Small Entity: No

Additional Information: FHWA Docket # 86-12 has been assigned to this rulemaking action.

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: Mr. Philip O. Russell, Department of Transportation, Federal Highway Administration, 202 366-0411

RIN: 2125-AB83

1879. ● QUALIFICATION OF DRIVERS; DIABETES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None.

Abstract: This rulemaking action responds to a petition filed by the American Diabetes Association (ADA) and others. The current diabetic rule prohibits insulin-using diabetics from driving in interstate or foreign commerce. The ADA has petitioned to change the regulation to provide for exemptions. The purpose of this action is to consider the proposed exemption program.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/87	
NPRM	06/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/88

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 366-4049

RIN: 2125-AB91

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Proposed Rule Stage

1880. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390

Legal Deadline: None.

Abstract: This rulemaking action will address the general provisions regarding the Motor Carrier Safety Regulations (FMCSR) contained in Part 390 of 49 CFR. This rulemaking is being undertaken to implement section 206 of the Motor Carrier Safety Act (MCSA) of 1984 which mandated the reissuance of the FMCSR. The revisions seek to assist the various segments of the truck and bus industries in their efforts to comply with the FMCSR by (1) incorporating definitions from the Motor Carrier Safety Act of 1984; (2) clarifying and updating the regulations; (3) eliminating redundancy; (4) combining and locating in a single place the definitions of many general items presently located throughout the FMCSR; and (5) addressing comments concerning the elimination of certain regulatory exemptions.

Timetable:

Action	Date	FR Cite
ANPRM Fertilizer	02/10/82	47 FR 5273
ANPRM	01/23/85	50 FR 2998
Fertilizer ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	07/13/87	52 FR 26278
NPRM Comment Period End	09/11/87	52 FR 26278
Final Action	06/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 07/13/87 (52 FR 26278)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AA34

1881. + CONTROLLED SUBSTANCES

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 23 USC 315; 49 USC 104; 49 USC App 2505

CFR Citation: 49 CFR 382

Legal Deadline: None.

Abstract: The FHWA is requesting comments on a proposal which would mandate chemical testing of interstate drivers of commercial motor vehicles for the use of drugs. The impetus for this action is the safety and health concern associated with the use of drugs by these personnel. The goal of the proposed rule is to reduce accidents and casualties that result from the use of drugs. This NPRM was preceded by two drug rulemaking actions which were published in the Federal Register on 5/13/86 (BMCS Docket No. MC-116, Amendment No. 83-17, 51 FR 17568; BMCS Docket No. MC-120, Notice No. 86-3, 51 FR 17572). The latter of those actions proposed a drug test plan (much less comprehensive than proposed here) for drivers of hazardous materials. The former requested comments on specific questions regarding the various aspects of a drug control program applicable to interstate drivers. The intent of this NPRM is to consolidate the subject matter of the previous actions and propose a comprehensive drug control program applicable to all drivers in interstate commerce. Because the impact of this proposal (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/27/82	47 FR 42383
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM	05/13/86	51 FR 17568
Extension Notice	07/08/86	51 FR 24722
ANPRM Comment Period End	08/11/86	51 FR 17568
NPRM	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: will result in an annual effect on the economy of over $100 million, this action is considered major under Executive Order 12291. This NPRM proposes a comprehensive drug testing program that incorporates a DOT modal approach to creating a drug-free transportation environment.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AA79

1882. + EMPLOYEE SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 399

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is considering proposing to revise Part 399 of the Federal Motor Carrier Safety Regulations (FMCSR) to implement Section 206 of the Motor Carrier Safety Act of 1984. This proposal would establish the duties of employers and drivers regarding employee safety and health. A motor carrier would be responsible for furnishing to each driver a place of employment that is free from recognized hazards that cause or are likely to cause death or injury to drivers. A driver would be responsible for cooperating with a motor carrier's safety program. It is anticipated that this general duty rule will cover those aspects of the driver environment (such as hot surfaces, lack of insulation, and broken equipment in or on the vehicle) that are not covered by present standards under the FMCSR.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AB50

1883. + DRIVING A MOTOR VEHICLE

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 392

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is proposing to amend Part 392 of the Federal Motor Carrier Safety Regulations (FMCSR) to (1) relax the requirement concerning a spare set of corrective lenses, (2) add language to include pretrip inspection of hazardous materials-laden vehicles

and cargo tanks, (3) require drivers of hazardous materials-laden vehicles to notify emergency response personnel anytime a vehicle is disabled because of an accident or if the driver suspects an unintentional release of hazardous materials, (4) strengthen the disqualification criteria of drivers of hazardous materials-laden vehicles, (5) require a means of communication between the driver and passengers on an articulated vehicle, (6) delete the time requirement for the operation of head lamps, and (7) delete the prohibited practice rule concerning unauthorized passengers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AB51

1884. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; BOAT TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; 23 USC 2311(d); PL 100-17, Sec 133

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is seeking comments on a request to designate boat transporters as specialized equipment under provision of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Of prime concern are comments and information on the following issues relating to boat transporters: maneuvering characteristics, safety, control, offtracking, crosswind effects, and the need for overall length limits on boat transporters. Information on the similarities and dissimilarities between boat transporters and auto transporters would be most helpful as would information on the consistency of truck configurations used for hauling boats. The FHWA would also appreciate comments regarding the need to preempt current State regulation of this vehicle, as well as an actual definition and description of boat transporters. Comments are also being sought on the types of vehicles that should be considered as specialized equipment as well as an actual definition.

Timetable:

Action	Date	FR Cite
ANPRM	03/18/86	51 FR 10234
ANPRM Comment Period End	05/09/86	51 FR 10234
NPRM	10/00/87	
Final Action	04/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125-AB55

1885. + SEMITRAILER-SEMITRAILER; B-TRAIN

Significance: Regulatory Program

Legal Authority: 23 USC 325; PL 97-424, Sec 411; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA will request comments on a proposal to interpret 23 CFR 658.13 such that a combination of vehicles described as a truck-tractor semitrailer-semitrailer be considered as a truck-tractor semitrailer-trailer for purposes of 23 CFR 658. It is FHWA's intent to implement the Surface Transportation Assistance Act of 1982 so that all configurations that offer safety and productivity advantages will be recognized under the regulations. This action is significant because of industry interest and that of the general public.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
NPRM Supplemental	10/00/87	
Final Action	02/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125-AB66

1886. + COMMERCIAL DRIVER TEST AND LICENSING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2505; 49 USC 3102; PL 99-570, Sec 12005; PL 99-570, Sec 12006; PL 99-570, Sec 12009

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: Statutory, July 15, 1988.

Abstract: Sections 12005 and 12006 of Pub. L. 99-570 require certain requirements to be in place by July 15, 1988 regarding minimum Federal standards which States must use for testing and licensing commercial motor vehicle drivers. FHWA will issue a notice of proposed rulemaking proposing the standards. Included in the proposal will be other requirements placed on the State in section 12009 pertaining to a check with the information system before issuing a license. This rulemaking action is considered significant because of the substantial public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/86	51 FR 27567
ANPRM Comment Period End	11/05/86	51 FR 35538
NPRM	10/00/87	
Final Action	07/00/88	

Small Entity: No

Additional Information: A 90-day public comment period will be provided for the NPRM.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125-AB68

1887. + TRUCK SIZE AND WEIGHT; REASONABLE ACCESS

Significance: Regulatory Program

Legal Authority: 49 USC 2311(d); 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None.

DOT—FHWA

Proposed Rule Stage

Abstract: The FHWA is requesting information and comments on the existing FHWA regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface Transportation Assistance Act of 1982 (STAA) as amended. This action has been initiated in response to a petition filed by the National Industrial Transportation League (NITL).

Timetable:

Action	Date	FR Cite
ANPRM	01/05/87	52 FR 298
ANPRM Comment Period End	05/05/87	52 FR 298
NPRM	10/00/87	

Small Entity: No

Additional Information: A 120-day public comment period was provided for the ANPRM.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2951

RIN: 2125-AB70

1888. + BLOOD ALCOHOL CONCENTRATION STANDARD FOR COMMERCIAL VEHICLE OPERATORS

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12008; 49 USC App. 2505; 49 USC 3102

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: Statutory, October 27, 1988.

Abstract: The FHWA is requesting comments from interested parties concerning the establishment of a commercial driver blood alcohol concentration (BAC) standard. This action is in response to Congress' enactment of the Commercial Motor Vehicle Safety Act of 1986 (Act). Section 12008 of the Act calls for the National Academy of Sciences (NAS) to conduct a study of the appropriateness of selecting one of several alternative BAC levels as the level at which a person operating a commercial motor vehicle would be deemed to be driving under the influence of alcohol. Based on the results of the study and the rulemaking comments, the Secretary of Transportation must promulgate a commercial driver BAC standard. States would be required to enact laws providing that any driver who operates a commercial motor vehicle at the Federal BAC level or above it is deemed to be driving under the influence of alcohol. States not enacting a BAC-level law for commercial motor vehicle drivers risk the loss of Federal-aid highway funds. The comments received will be made available to the NAS and will serve as the docket comments, along with the NAS study for a future Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9192
ANPRM Comment Period End	05/22/87	
NPRM	03/01/88	
Final Action	10/00/88	

Small Entity: No

Additional Information: If the Secretary does not promulgate a Federal standard by October 27, 1988, the BAC standard shall be deemed to be 0.04 percent.

Analysis: Regulatory Evaluation 03/01/88

Agency Contact: John Viner, Senior Research Engineer, Traffic Safety Research Division (HSR-30), Department of Transportation, Federal Highway Administration, 6300 Georgetown Pike, McLean, VA. 22101, 703 285-2419

RIN: 2125-AB79

1889. + TRUCK SIZE AND WEIGHT; SPECIAL PERMITS

Significance: Regulatory Program

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC App. 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: This rulemaking action will delete language pertaining to the issuance of special permits in section 658.17 and will request that States identify grandfather rights claimed for single and tandem axle weight, gross weight, alternate bridge formula and special permit authority. The weights identified as having been determined by the States will be recognized as grandfather rights.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: John MacGowan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4032

RIN: 2125-AB80

1890. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None.

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jocelyn Karp (202) 366-4063.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh

Street, SW, Washington, DC 20590, 202 366-4836

RIN: 2125-AB10

1891. + MINIMUM REQUIREMENTS FOR PRIVATE MOTOR CARRIERS OF PASSENGERS AND DRIVERS OF PRIVATE MOTOR VEHICLES OF PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC App 2503; 49 USC App 2505

CFR Citation: 49 CFR 384

Legal Deadline: None.

Abstract: The FHWA is considering proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	04/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/88

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AB62

1892. + MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS: SELF-INSURANCE

Significance: Agency Priority

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA has determined that the issues associated with its authority to permit motor carriers to self-insure need to be examined in light of the insurance crisis affecting the motor carrier industry. The FHWA is seeking public comment from interested parties concerning self-insurance as a viable and effective mechanism for demonstrating financial responsibility as required by the Motor Carrier Act of 1980. This rulemaking action is considered significant because of the public interest in the issue being considered. This rulemaking action will also address the issue of requiring all for-hire motor carriers of passengers to carry evidence of having obtained financial responsibility meeting the statutory minimums in any motor vehicle being operated in for-hire service. A petition was filed by the American Bus Association (ABA).

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22086
ANPRM Comment Period End	07/18/86	51 FR 22086
NPRM	04/00/88	

Small Entity: No

Additional Information: An interim final rule was published on June 18, 1986, at 51 FR 22080 permitting motor carriers of property to satisfy the financial responsibility requirements of the DOT (FHWA) by self-insuring if they have received approval from the ICC to self-insure and have maintained an FHWA "satisfactory" safety rating. This rulemaking action will further analyze the issues addressed in the interim final rule.

Analysis: Regulatory Evaluation 04/00/88

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AB65

1893. ● + UNIFORM RELOCATION ACT AMENDMENTS OF 1987; GENERAL

Significance: Agency Priority

Legal Authority: 42 USC 4601 et seq; PL 100-17, Title IV

CFR Citation: 23 CFR 740

Legal Deadline: Statutory, April 2, 1989. A final rule must be promulgated by 4/2/89.

Abstract: This rulemaking action addresses the implementation of Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 132 (STURAA). Title IV of STURAA amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), 42 U.S.C. sections 4601 to 4655 (1982). Title IV establishes: a lead agency (FHWA) to insure consistent Federal implementation; an increase in the maximum monetary benefits that can be provided to persons forced to relocate by Federal or federally assisted projects; an expansion of the Uniform Act's coverage to insure more types of displacing activities; and an allowance for a State certification program. This rulemaking action is considered significant because of the substantial public interest involved.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	

Small Entity: No

Analysis: Regulatory Evaluation 01/15/88

Agency Contact: Barbara Reichart, Department of Transportation, Federal Highway Administration, 202 366-0116

RIN: 2125-AB85

1894. ● + CERTIFICATION OF SPEED LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 315; PL 100-17, Sec 174

CFR Citation: 23 CFR 659

Legal Deadline: None.

Abstract: The FHWA and the National Highway Traffic Safety Administration (NHTSA) are amending the regulations on certification of speed limit enforcement in order to streamline the sanction process and to take into account the provisions mandated by section 174 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 174 of STURAA amended 23 U.S.C. 154 by giving the States the authority to increase, without loss of Federal-aid funds, the maximum speed limit to no more than 65 miles per hour

(mph) on certain Interstate System highways. A notice of proposed rulemaking will be issued proposing revisions to the sanction process contained in 23 CFR Part 659. A separate final rulemaking action has been issued in order to provide the States the authority to adjust the speed sampling and analysis plan required for determining the level of 55 mph noncompliance.

Timetable:

Action	Date	FR Cite
Final ActionAdjusting Sampling Plans	08/03/87	52 FR 28691
NPRM	11/00/87	

Small Entity: No

Additional Information: This rulemaking action, as well as the final rule on sampling plans (Supplemental), are considered significant because of the substantial public interest involved.

Analysis: Regulatory Evaluation 11/00/87

Agency Contact: Sheldon G. Strickland, Department of Transportation, Federal Highway Administration, 202 366-1993

RIN: 2125-AC00

1895. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None.

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Additional Information: An initial NPRM was issued on 01/29/81 (46 FR 9642). It has been determined to issue another NPRM based on further review.

Analysis: Reg. Evaluation (Minimal Impact) 11/00/87

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1585

RIN: 2125-AA19

1896. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: This revision will update and simplify existing Federal-aid contract procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36685
NPRM Supplemental	11/00/87	

Small Entity: No

Additional Information: An initial NPRM was issued on 08/18/78, 43 FR 36685. It has been determined to issue another NPRM after further review.

Analysis: Regulatory Evaluation 11/00/87

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1584

RIN: 2125-AA18

1897. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Legal Deadline: None.

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entity: No

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AA27

1898. PAVEMENT DESIGN POLICY

Significance: Nonsignificant

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315

CFR Citation: 23 CFR 626; 23 CFR 625

Legal Deadline: None.

Abstract: The existing regulation on pavement design would be modified to eliminate unnecessary requirements and duplicative provisions. Currently the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO has approved a new Pavement Design Guide. FHWA will solicit public comment on the revised guide and evaluate whether the revised guide should be adopted for application on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Additional Information: A Federal Register notice was published on 4/24/85 (50 FR 16103) outlining and explaining the procedural steps the FHWA would take to effectuate Federal adoption of the revised guide.

Analysis: Reg. Evaluation (Minimal impact) 11/00/87

Agency Contact: Norman Van Ness, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1324

RIN: 2125-AA88

1899. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACTS; EQUAL OPPORTUNITY COMPLIANCE REVIEW; PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None.

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Glenn R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1588

RIN: 2125-AB08

1900. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None.

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job training (OJT) special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
NPRM Supplemental	12/00/87	

Small Entity: No

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 420. Therefore, the proposed rulemaking action explained under the entry (RIN No. 2125-AB27) formerly located in the "Proposed Rule Stage" portion of the agenda has been merged with this rulemaking action.

Analysis: Reg. Evaluation (Minimal Impact) 11/22/82 (47 FR 52470)

Agency Contact: Glenn Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1588

RIN: 2125-AB15

1901. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. The purpose of this action will be to determine if revisions are warranted in order to improve overall management of the Federal-aid highway program.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
NPRM	02/00/88	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal Impact) 11/00/87

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AB18

1902. RAILROAD-HIGHWAY PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(e); 23 USC 120(d); 23 USC 130; 23 USC 315; 23 USC 405

CFR Citation: 23 CFR 646

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The proposed amendment will incorporate and clarify existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways. Upon a review of comments received to the NPRM, it has been decided that a supplemental NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7067
NPRM Comment Period End	04/22/85	
NPRM Supplemental	10/00/87	

Small Entity: No

Additional Information: A 60-day comment period is being provided.

Analysis: Reg. Evaluation (Minimal Impact) 02/20/85 (50 FR 7067)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AB25

1903. ADMINISTRATION OF CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402; PL 100-17, Sec 111(b)

CFR Citation: 23 CFR 172

Legal Deadline: None.

Abstract: Revisions to the existing regulation will be made to standardize the minimum requirements by including FHWA's interpretation of OMB Circular A-102 requirements. Inclusion of OMB Circular A-102 as an appendix to the regulations will be deleted. This

rulemaking action will also address the changes to the selection procedures as required by section 111(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125-AB30

1904. RIGHT-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 720

Legal Deadline: None.

Abstract: The FHWA intends to publish an NPRM to update and reorganize its right-of-way regulations for the Federal-aid highway program. Subjects to be addressed include State highway agency responsibilities, authorizations, and reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 11/00/87

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125-AB58

1905. PROPERTY MANAGEMENT, DISPOSALS AND AIRSPACE

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 713

Legal Deadline: None.

Abstract: The FHWA intends to issue an NPRM proposing to update its regulations on property management, disposal and airspace relative to the Federal-aid highway program. This rulemaking action will reflect current departmental decisions and policies as well as recent legislative mandates.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 11/00/87

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125-AB60

1906. ● LABOR AND EMPLOYMENT; CONVICT LABOR AND MATERIALS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128; 23 USC 315; 31 USC 6505; 42 USC 3334; 42 USC 4601 et seq; PL 100-17, Sec 112

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: The FHWA is amending its regulation on the use of convict labor and convict produced materials on Federal-aid highway projects to implement provisions mandated by section 112 of the Federal-Aid Highway Act of 1987 (PL 100-17). Section 112 amended section 114 of 23 USC by prohibiting the use of materials produced by convict labor on Federal-aid highway projects unless produced by convicts who are on parole, supervised release, or probation and limited in quantity not to exceed a designated prior amount produced. The regulations implementing 23 USC 114(b) are being revised to reflect the statutory amendment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: William Weseman, Chief, Const. and Maintenance Division, Department of Transportation, Federal Highway Administration, 202 366-1548

RIN: 2125-AB82

1907. ● NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; REVISION OF UNIFORM TRAFFIC CONTROL DEVICES; PASSING AND NO-PASSING ZONE STANDARDS

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: The FHWA has initiated a rulemaking action to consider a petition filed by the Center for Auto Safety (CAS) to revise no-passing zone standards. If adopted, the revised standards could be incorporated into the Manual On Uniform Traffic Control Devices (MUTCD).

Timetable:

Action	Date	FR Cite
ANPRM	06/11/86	51 FR 21180
ANPRM Comment Period End	07/20/87	51 FR 21180
NPRM	12/00/87	

Small Entity: No

Additional Information: FHWA Docket # 86-11 has been assigned to this rulemaking.

Analysis: Regulatory evaluation 12/00/87

Agency Contact: Mr. Philip O. Russell, Department of Transportation, Federal Highway Administration, 202 366-0411

RIN: 2125-AB84

1908. ● CONSTRUCTION AND MAINTENANCE; CONTRACT PROCEDURES; STANDARDIZED CONTRACT CLAUSES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 117; 23 USC 315; PL 100-17, Sec 111(c)

CFR Citation: 23 CFR 635

Legal Deadline: None. A final rule must be issued by 4/2/89.

Abstract: The FHWA is amending its regulations on contract procedures to implement the provisions of Section 111(c) of the Surface Transportation

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and Uniform Relocation Assistance Act of 1987 (STURAA). Section 111(c) of STURAA amends 23 USC 112 to require a standardized contract clause in all Federal-aid contracts unless otherwise provided for by State law. The standardized contract clause is to provide for the equitable adjustment of contract terms: (1) where site conditions differ from those specified in the contract; (2) where work has been suspended by order of the contracting agency (other than a suspension of work caused by the fault of the contractor or by weather); and (3) where there are material changes in the scope of the work.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: William A. Weseman, Chief, Construction and Maint. Division, Department of Transportation, Federal Highway Administration, **202 366-1548**

RIN: 2125-AB87

1909. ● TRUCK SIZE AND WEIGHT; NATIONAL NETWORK

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC 315; 49 USC 2311; 49 USC 2313

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is proposing to modify the National Network for commercial motor vehicles by adding routes in Georgia. The National Network was established by the final rule on Truck Size and Weight published at 49 FR 23302 on June 5, 1984. It is maintained under 23 CFR 658, Appendix A, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, **202 366-4036**

RIN: 2125-AB98

1910. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/88	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 12/00/88

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2184**

RIN: 2125-AA37

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Final Rule Stage

1911. + SPLASH/SPRAY SUPPRESSANT DEVICES ON TRUCK TRACTORS, SEMITRAILERS AND TRAILERS

Significance: Regulatory Program

Legal Authority: 49 USC 2314; 49 USC 3102; Section 414 of STAA of 1982

CFR Citation: 49 CFR 393

Legal Deadline: Statutory, April 2, 1988.

Abstract: Section 414 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) states that Congress declares the visibility on wet roadways in the Interstate System should be improved by reducing splash and spray from truck tractors, semitrailers and trailers. Congress instructed the Secretary to establish, by regulation, minimum standards with respect to the performance and installation of splash and spray suppression devices on truck tractors, semitrailers and trailers. Further, Congress mandated that all vehicles in use 5 years from date of enactment be equipped with such devices. The revisions to 49 CFR 393 will implement this mandate. This rulemaking is considered significant because of its economic impact on the motor carrier industry. Section 205 of the Surface Transportation Assistance Act of 1987 (P.L. 100-17) establishes a deadline of 4/2/88 for final action unless the Secretary determines that insufficient technology exists with which to base a final rule.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14630
Comment Period Extended	06/11/85	50 FR 24549
NPRM Comment Period End	08/12/85	50 FR 24549
Final Action	04/02/88	

Small Entity: Yes

Additional Information: The public comment period was extended to 8/12/85 by a notice published on 6/11/85 (50 FR 24549).

As part of the Surface Transportation Reauthorization bill, introduced for consideration in the last Congress and reintroduced in this session, the Administration proposed a provision that would amend the existing splash and spray suppression-devices statute. The amendment is intended to give greater flexibility to the Department in dealing with this problem and to ensure that the Department's final decision can take the costs and benefits of various alternatives fully into account.

Analysis: Regulatory Evaluation 04/12/85 (50 FR 14630)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4049**

RIN: 2125-AA84

DOT—FHWA

Final Rule Stage

1912. + TRUCK SIZE AND WEIGHT; GRANDFATHER SEMITRAILER LENGTHS

Significance: Regulatory Program

Legal Authority: PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: An analysis of comments to the March 1, 1985 NPRM indicates insufficient rationale to establish grandfathered semitrailer lengths in all States. A final rule will be prepared and will establish the grandfather semitrailer lengths for States where adequate documentation exists. For those other States, the FHWA will request additional information and comments.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
Final Action	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 03/01/85 (50 FR 8342)

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4036

RIN: 2125-AB26

1913. + TRUCK SIZE AND WEIGHT; TANDEM TRUCK SAFETY ACT

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is proposing to provide a statement of FHWA interpretation and policy addressing the size and weight provisions contained in the Tandem Truck Safety Act of 1984 (TTSA) which amended the Surface Transportation Assistance Act of 1982 (STAA). This action addresses (1) conditions under which segments of the National System of Interstate and Defense Highways may be deleted from the National Truck Network, (2) conditions affecting the designation of new routes on the Federal-Aid Primary System as part of the National Truck Network, and (3) new provisions for 102-inch wide 28 1/2-foot semi-trailers. The issue relative to the qualifications of highways previously designated with lane widths less than 12 feet is the subject of a separate rulemaking action. See entry under RIN # 2125-AB43.

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37970
NPRM Comment Period End	11/04/85	50 FR 37970
Final Action	10/00/87	

Small Entity: No

Additional Information: This action had previously been characterized as significant in the agenda. Upon further review, it has been determined that since this rulemaking proposes to technically amend the June 5, 1984, final rule on Truck Size and Weight and to finalize certain issues left unresolved, it is not considered significant. A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, D.C.

Analysis: Regulatory Evaluation 09/18/85 (50 FR 37970)

Agency Contact: C. John MacGowan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4032

RIN: 2125-AB28

1914. + INSPECTION, REPAIR, AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 210; PL 98-554, Sec 204; 23 USC 315

CFR Citation: 49 CFR 396; 49 CFR 390; 48 CFR 393

Legal Deadline: None.

Abstract: The FHWA is seeking public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This action is required by section 210 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to comply with Federal inspection standards, a State inspection program or an authorized self-inspection program.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/24/85	
NPRM	02/26/87	52 FR 5913
NPRM Comment Period End	06/29/87	52 FR 13853
Final Action	02/00/88	

Small Entity: No

Additional Information: The NPRM will propose revisions after having fully taken into account the public comments received to the ANPRM (01/10/85, 50 FR 1245). The 1/10/85 ANPRM also solicited comments on the provisions relating to the parts and accessories necessary for the safe operation of commercial motor vehicles. This section (parts and accessories) and comments made thereto will be the subject of a separate rulemaking action. See "Proposed Rule Stage" portion of agenda. The public comment period was extended to 6/29/87 by a notice published on 4/27/87 at 52 FR 13853.

Analysis: Regulatory Evaluation 02/26/87 (52 FR 5913)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AB34

1915. + HOURS OF SERVICE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 395

Legal Deadline: None.

Abstract: Section 206 of the Motor Carrier Safety Act of 1984 (Act) directs the DOT to reissue regulations pertaining to commercial motor vehicle safety. On November 23, 1984, the FHWA published a final rule at 49 FR 46145 regarding Hours of Service in order to comply with an opinion of the United States Court of Appeals for the District of Columbia Circuit. A docket was opened (MC-99-1) in order to request comments for further consideration of revisions to the requirement of the driver's record of duty status. Pursuant to section 206 of

the Act, an ANPRM was issued (1/23/85; 50 FR 2998) and again requested comments regarding the requirement for recorded hours of service. This rulemaking action will incorporate all comments received to the above mentioned published rulemaking actions. This document will consider the possible elimination of certain items required on the driver's record of duty status and extending the 12-hour limitation in the 100 mile radius exemption to 15 hours or permitting a 50 mile radius rule as an option with the 15 hour rule. This rulemaking is considered significant because of the potential cost savings which may result from (con't)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	05/09/86	51 FR 17214
NPRM Comment Period End	06/09/86	51 FR 17214
Extension Notice	07/08/86	51 FR 24722
Final Action	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: the reduction in requirements for maintaining the driver's record of duty status. Previous RIN for published final rule on 11/23/84 is 2125-AB22. By notice dated 07/08/86 (51 FR 24722), the NPRM comment period was extended to 08/18/86.

Analysis: Regulatory Evaluation 05/09/86 (51 FR 17214)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4049**

RIN: 2125–AB39

1916. + TRUCK SIZE AND WEIGHT; AUTOMOBILE TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is proposing revisions to certain provisions established by the final rule on truck size and weight published at 49 CFR 23302 on June 5, 1984. This action proposes: (1) a definition for an automobile-transporter; (2) a minimum 75-foot overall length for a stinger-steered automobile-transporter; (3) the allowance of triple saddlemount combinations with a minimum length of 65 feet; and, (4) no overall length limitations for conventional tractor-semitrailer automobile transporters when the semitrailer is 48 feet in length. The purpose of this rulemaking action is to clarify and further define certain issues contained in the June 5, 1984, final rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/84	49 FR 38956
ANPRM Comment Period End	11/17/84	49 FR 38956
NPRM	11/25/85	50 FR 48431
NPRM Comment Period End	01/09/86	50 FR 48431
Final Action	10/00/87	

Small Entity: No

Additional Information: A Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation (Minimal Impact) 11/25/85 (50 FR 48431)

Agency Contact: Chester F. Phillips, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2251**

RIN: 2125–AB42

1917. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 110

CFR Citation: 49 CFR 393

Legal Deadline: None.

Abstract: This rulemaking action responds to section 210 of the Motor Carrier Safety Act of 1984. Section 210 requires the Department to open Part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), which concerns the parts and accessories necessary for the safe operation of commercial motor vehicles for public comment and review. In essence, Part 393 is the basis for the vehicle inspection currently performed on vehicles operated by motor carriers subject to the jurisdiction of the DOT. Public comment has been requested pursuant to an ANPRM 01/10/85.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	02/26/87	52 FR 5892
NPRM Comment Period End	06/29/87	52 FR 13853
Final Action	02/00/88	

Small Entity: No

Additional Information: For the rulemaking action specifically addressing 49 CFR 393.42 (Front Wheel Brakes), see the entry entitled "Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes," in the "Final Rule Stage" portion of the agenda, RIN 2125-AB63. The public comment period was extended to 6/29/87 by a notice published on 4/27/87 at 52 FR 13853.

Analysis: Regulatory Evaluation 02/26/87 (52 FR 5892)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4049**

RIN: 2125–AB45

1918. + SAFETY FITNESS DETERMINATION

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 215; 49 USC 3102

CFR Citation: 49 CFR 385

Legal Deadline: None.

Abstract: Section 215 of the Motor Carrier Safety Act of 1984 requires the FHWA, in cooperation with the Interstate Commerce Commission, to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles including persons seeking new or additional operating authority as motor carriers. Comments are being requested regarding the proposed changes in the current safety rating procedures and a new proposal for those carriers who have not previously been assigned a

safety rating or who intend to be a new entrant into the motor carrier industry. It has been determined that this rulemaking action is a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the total estimated indirect benefits that may result.

Timetable:

Action	Date	FR Cite
NPRM	06/25/86	51 FR 23088
NPRM Comment Period End	08/11/86	51 FR 23088
Final Action	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/25/86 (51 FR 23088)

Agency Contact: Gerald J. Davis, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2698

RIN: 2125-AB46

1919. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; MAXI-CUBE

Significance: Regulatory Program

Legal Authority: 23 USC 315; 49 USC 2311(d); PL 99-591, Sec 324

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: An ANPRM had been issued requesting public comment on a petition to designate a particular combination of vehicles as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). The final rule will now implement section 324 of the House Bill 5205 which was incorporated into law by section 302 of the Act Making Continuing Appropriations for Fiscal Year 1987, Pub. L. 99-591, 101 Stat. 3341, enacted on October 16, 1986. This section amended section 411(c) of the Surface Transportation Assistance Act of 1982 to authorize the "maxi-cube" vehicle to operate on the National Network in the same way as vehicles previously authorized by that section. The "maxi-cube" vehicle is a particular combination of vehicles described in the law. This action also withdraws the advance notice of proposed rulemaking (ANPRM) published at 50 FR 52940 (12/27/85) and 51 FR 7085 (Supplemental notice: 2/28/86) on the designation of the "maxi-cube" design as specialized equipment under section 411(d) of the STAA of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52940
ANPRM Comment Period End	02/10/86	50 FR 52940
ANPRM Supplemental	02/28/86	51 FR 7085
Final Action	10/00/87	

Small Entity: No

Additional Information: A supplemental ANPRM was issued on February 28, 1986 (51 FR 7085), and provided additional information on the vehicle combination referred to as "Maxi-Cube." Comments were requested until March 17, 1986. The supplemental ANPRM will also be withdrawn.

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125-AB48

1920. + QUALIFICATION OF DRIVERS; HAZARDOUS MATERIALS DRIVERS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App 2505

CFR Citation: 49 CFR 391

Legal Deadline: None.

Abstract: The notice of proposed rulemaking published on 5/13/86 (51 FR 17572) which proposed to establish stricter driver qualification rules for drivers of vehicles containing certain classes of hazardous materials will be withdrawn. Certain rulemaking actions mandated by the Commercial Motor Vehicle Safety Act of 1986 will supersede this action. The subject matter of this rulemaking action will be addressed by the Research and Special Programs Administration (RSPA) in subsequent rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17572
NPRM Comment Period End	08/11/86	51 FR 17572
Withdrawal Notice	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 05/13/86 (51 FR 17572)

Agency Contact: Michael L. Trentacoste, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4041

RIN: 2125-AB64

1921. + ACCOMMODATION OF UTILITIES; LONGITUDINAL UTILITY USE OF FREEWAY RIGHT-OF-WAY

Significance: Regulatory Program

Legal Authority: 23 USC 109; 23 USC 116; 23 USC 315

CFR Citation: 23 CFR 645

Legal Deadline: None.

Abstract: The FHWA is proposing to revise its regulation on the accommodation of utility facilities and private lines on the right-of-way of Federal-aid and direct Federal highway projects to clarify requirements regarding utility use of Federal-aid highways and to modify the conditions under which certain types of utilities may be located longitudinally on Federal-aid freeways (Interstate highways). This action considers the interest expressed by the telecommunication industry to gain access to the Interstate System for installation of underground fiber optics cable systems.

Timetable:

Action	Date	FR Cite
NPRM	12/19/86	51 FR 45479
Comment Period Extended to 03/17/87	02/11/87	52 FR 4349
NPRM Comment Period End	03/17/87	52 FR 4349
Final Action	10/00/87	

Small Entity: No

Additional Information: A general notice was published in the Federal Register on April 1, 1986 (51 FR 11055) announcing the intention of FHWA to initiate reexamination of its regulation and policy on longitudinal use of Interstate right-of-way.

Analysis: Regulatory Evaluation 12/19/86 (51 FR 45479)

DOT—FHWA

Final Rule Stage

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4652

RIN: 2125-AB76

1922. ● + UNIFORM RELOCATION ACT AMENDMENTS OF 1987; SPECIFIC PAYMENTS

Significance: Agency Priority

Legal Authority: PL 100-17, Title IV; 42 USC 4601 et seq

CFR Citation: 23 CFR 740

Legal Deadline: None.

Abstract: This rulemaking action will implement those provisions of Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) which are non-controversial. These amendments to the Uniform Relocation Act will primarily address the increases in the maximum specific dollar amounts paid by Federal, State and local agencies from project funds to persons who are forced to relocate by Federal or federally assisted projects. These revisions will be issued expeditiously so that displacing agencies who are currently authorized under State law can begin to provide the additional assistance provided by law. This rulemaking action is considered significant because of the substantial public interest involved. By taking this action, the FHWA is carrying out its responsibility as lead agency as required by STURAA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/21/87

Agency Contact: Barbara Reichart, Department of Transportation, Federal Highway Administration, 202 366-0116

RIN: 2125-AB96

1923. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None.

Abstract: The FHWA had considered a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. However, after further review it has been determined that no further action by the FHWA is needed in this area. Therefore, the 11/18/82 ANPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904
Withdrawal Notice	10/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AA36

1924. TRANSFER OF FEDERAL-AID HIGHWAY FUNDS

Significance: Nonsignificant

Legal Authority: Surface Transportation Assistance Act of 1982, Sec. 116

CFR Citation: 23 CFR 160, Subpart A; 23 CFR 160, Subpart B; 23 CFR 160, Subpart C

Legal Deadline: None.

Abstract: This regulation revision will reflect the required statutory changes included in section 116 of the STAA of 1982 regarding the transfer of Interstate construction funds.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 12/00/87

Agency Contact: Larry C. Hanna, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0673

RIN: 2125-AA64

1925. ACCELERATION OF PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315; Surface Transportation Assistance Act of 1982, Sec. 129

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: This revision would expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action is also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period End	11/25/83	48 FR 57330
To be withdrawn	10/00/87	

Small Entity: No

Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Analysis: Reg. Evaluation (Minimal impact) 08/26/83 (48 FR 38854)

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125-AA87

1926. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The proposed rule was intended to adopt the AASHTO Guide Specifications for water pollution control. After careful consideration of

comments submitted in response to the NPRM and based upon a further review by FHWA, it has been determined that rulemaking in this area is no longer necessary. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
To be withdrawn	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 01/18/85 (50 FR 2694)

Agency Contact: Philip L. Thompson, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4611

RIN: 2125-AB05

1927. LABOR AND EMPLOYMENT

Significance: Nonsignificant

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the payment of Federal-aid funds for the excess labor costs due to State prevailing wage rates which are higher than those determined by the Department of Labor on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 30137
NPRM Comment Period End	11/12/85	50 FR 30137
Final Action	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (minimal impact) 09/27/85 (50 FR 30137)

Agency Contact: Ruth Anders, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1394

RIN: 2125-AB37

1928. STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINARIES AND TRAFFIC SIGNALS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None.

Abstract: FHWA proposes to adopt for Federal-aid application the 1985 AASHTO publication entitled "Standard Specification for Structural Supports for Highway Signs, Luminaries and Traffic Signals" which is incorporated in 23 CFR Part 625 as a specification. In May of 1985, the American Association of State Highway and Transportation Officials (AASHTO) approved a new edition of the 1975 edition. FHWA is reviewing comments received.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40817
NPRM Comment Period End	05/11/87	51 FR 40817
Final Action	05/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 11/10/86 (51 FR 40817)

Agency Contact: James H. Hatton, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1329

RIN: 2125-AB56

1929. REIMBURSEMENT FOR RAILROAD WORK

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(d); 23 USC 130; 23 USC 315

CFR Citation: 23 CFR 140

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulation on reimbursement for railroad work to allow Federal-aid highway funds to be used to pay for various overhead and indirect construction costs incurred by railroad forces accomplishing work on Federal-aid highway projects.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 44996
NPRM Comment Period End	02/17/87	51 FR 44996
Final Action	11/00/87	

Small Entity: No

Additional Information: A 60-day comment period was provided.

Analysis: Reg. Evaluation (Minimal Impact) 12/17/86 (51 FR 44996)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4652

RIN: 2125-AB59

1930. NATIONAL BRIDGE INSPECTION STANDARDS; FREQUENCY OF INSPECTION AND INVENTORY

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 116(d); 12 USC 144; 23 USC 315

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The FHWA is requesting comments to a proposal to revise the National Bridge Inspection Standards (NBIS). The revised regulation would permit States to increase the maximum time interval between the inspections for certain types or groups of bridges, as opposed to retaining the mandatory 2-year interval as required by regulations currently in effect. The proposed revisions would also require that States identify those bridges having fracture critical members or bridges which warrant underwater inspection consideration. The proposed revisions would provide State highway agencies greater flexibility with which to use available inspection resources in a cost-effective manner. It is intended that the proposed revisions would encourage efficient use of resources while ensuring that the safety of the traveling public is protected.

Timetable:

Action	Date	FR Cite
NPRM	04/07/87	52 FR 11092
Notice Extension of public comments	06/03/87	52 FR 20726
NPRM Comment Period End	07/09/87	52 FR 20726
Final Action	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 04/07/87 (52 FR 11092)

Agency Contact: John J. Ahlskog, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4617

RIN: 2125-AB71

1931. CARGO PREFERENCE

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 114; 23 USC 315; 23 USC 113; 23 USC 128; 31 USC 6506; 42 USC 3334; 42 USC 4602 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is incorporating into its regulations the cargo preference requirements as mandated by the Cargo Preference Act of 1954 (Act) and its implementing regulations (46 CFR 381) developed by the Maritime Administration (MARAD). This final rule clarifies policies and procedures for the application of the Act's requirements to Federal-aid highway construction projects.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 12/00/87

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1584

RIN: 2125-AB73

1932. MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; ENVIRONMENTAL RESTORATION

Significance: Nonsignificant

Legal Authority: 49 USC 10927 note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA issued an interim final rule to redefine "environmental restoration" as that term is used in FHWA's financial responsibility regulations. This action was taken in response to a joint petition filed by the American Insurance Association (AIA) and the American Trucking Associations (ATA), and because of the current insurance crisis facing the motor carrier industry. This action made clear the motor carriers are required to provide evidence of financial responsibility to satisfy claims for damage to human health and to the environment including necessary restoration costs, but not for potential or speculative damages for which they would not otherwise be found liable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/86	51 FR 33854
Final Action	10/00/87	

Small Entity: No

Additional Information: Upon issuances of the interim final rule, the FHWA gave notice that comments would be accepted on the rulemaking action. A comment period was provided and Docket No. MC-126; Amendment No. 83-14 was established to receive comments. The FHWA will consider all comments and information received in order to determine whether to make the change permanent.

Analysis: Regulatory Evaluation 09/23/86 (51 FR 33854)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AB77

1933. ● CONSTRUCTION AND MAINTENANCE; CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 117; 23 USC 315; PL 100-17, Sec 111(a)

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: This rulemaking action revises 23 CFR Part 635, Subpart A, B, and C to implement the provisions mandated by Section 111(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 111(c) of STURAA amends section 112(b) of Title 23, U.S.C., to add emergency situations to the conditions under which a Federal-aid project may be awarded by a method other than competitive bidding.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: William A. Weseman, Chief, Construction and Maint. Division, Department of Transportation, Federal Highway Administration, 202 366-1548

RIN: 2125-AB88

1934. ● STATE EDUCATION AND TRAINING PROGRAM

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 321(b) and (c); PL 100-17, Sec 131

CFR Citation: 23 CFR 260

Legal Deadline: None.

Abstract: The FHWA is amending 23 CFR 260 to implement Section 131 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) enacted on April 2, 1987. Section 131 of the STURAA amends Section 321 of Title 23, United States Code, by allowing the States to use Federal-aid funds to pay 75 percent of the cost of education and training purchased from any source including the National Highway Institute. The provisions contained in 23 CFR 260 addressing the administration of Federal-aid funds for education and training of State and local highway department employees are being revised to reflect the statutory amendment.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/87

Agency Contact: Larry Jones, National Highway Institute, Department of Transportation, Federal Highway Administration, 202 285-2779

RIN: 2125-AB92

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

1935. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390 to 399

Legal Deadline: Statutory, April 30, 1986.

Abstract: Section 206 of the Motor Carrier Act of 1984 (Pub. L 98-554) (the Act) directs the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle safety. The Department has issued regulations, the Federal Motor Carrier Safety Regulations (FMCSR), on this subject under earlier authority (49 U.S.C. 3102). The purpose of this advance notice of proposed rulemaking (ANPRM) was to identify and solicit comment on specific changes which should be made to the FMCSR prior to reissuance in order to effectuate the purposes of the Act. The purposes of the Act are to ensure that: commercial motor vehicles are safely maintained, equipped, loaded and operated; the responsibilities of drivers do not impair their ability to drive safely; the physical condition of drivers is adequate to enable them to drive safely; and the operation of the vehicles does not have deleterious effects on drivers. This rulemaking has been a comprehensive effort, and thus the Agency has incorporated certain other regulatory actions which have been proposed but have not yet been completed. The purposes of this ANPRM have been served. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	
Action completed.	07/07/87	

Small Entity: No

Additional Information: (ABSTRACT CONT:) Therefore, there is no reason to carry this entry on the agenda any further. This rulemaking action has been terminated. See "Proposed Rule Stage" and "Final Rule Stage" portions of the agenda for actions resulting from this entry.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4049

RIN: 2125-AB35

1936. + TRUCK SIZE AND WEIGHT; LANE WIDTHS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 416; PL 98-554, Sec 105; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: By this action, the FHWA is taking steps to implement the 12-foot-wide lane provisions contained in the Surface Transportation Assistance Act of 1982 (STAA) as amended by the Tandem Truck Safety Act of 1984 (TTSA). An ANPRM published 4/1/85 at 50 FR 12825 identified for re-examination specific routes on the National Network containing sections with lanes less than 12 feet wide in those States which do not otherwise permit 102-inch wide vehicles on the National Network, pursuant to State law. These States are Alabama, Florida, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virginia. After a review, FHWA has deleted highways with lane widths less than 12 feet wide found to be inconsistent with highway safety.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/85	50 FR 12825
ANPRM Comment Period End	05/16/85	50 FR 12825
NPRM	03/12/86	51 FR 8511
NPRM Comment Period End	05/11/86	51 FR 8511
Final Action	09/17/87	52 FR 35064
Final Action Effective	09/17/87	52 FR 35064

Small Entity: No

Additional Information: Further Agency Contact is Mr. D. C. Oliver, (202) 366-1354. Also, a Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Regulatory Evaluation 09/17/87 (52 FR 35064)

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4036

RIN: 2125-AB43

1937. + COMMERCIAL DRIVER LICENSING STANDARDS; REQUIREMENTS AND PENALTIES

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12002

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: Statutory, July 1, 1987.

Abstract: Section 12002 of Pub. L. 99-570 requires that effective July 1, 1987, drivers of commercial motor vehicles possess but one driver's license. A final rule was issued to implement this statutory mandate.

Timetable:

Action	Date	FR Cite
Final Action	06/01/87	52 FR 20574
Final Action Effective	07/01/87	52 FR 20574

Small Entity: No

Additional Information: The final rule published 6/1/87 (52 FR 20574) requested comments on a possible expansion of the rule's applicability to include drivers of commercial motor vehicles not now subject to this final rule and to further define the term "serious traffic violations." Further rulemaking actions concerning these issues will be determined at a later date. Any further rulemaking actions will be addressed under the entry entitled "Commercial Driver Test and Licensing Standards" (RIN No. 2125-AB68).

Analysis: Regulatory Evaluation 06/01/87 (52 FR 20574)

Agency Contact: Michael F. Trentacoste, Chief, Standards Review Division, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125-AB78

1938. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 303(c); 49 USC 303

CFR Citation: 23 CFR 771; 49 CFR 622; 23 CFR 790; 23 CFR 635.309; 23 CFR 640.107; 23 CFR 650.109; 23 CFR 712.204

Legal Deadline: None.

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	08/28/87	52 FR 32645
Final Action Effective	11/27/87	52 FR 32645

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: A. Joseph Ossi, UMTA (202) 366-0096.

Analysis: Regulatory Evaluation 08/28/87 (52 FR 32645)

Agency Contact: Fred Skaer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2050

RIN: 2125-AA05

1939. EMERGENCY RELIEF

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(f); 23 USC 315; 42 USC 5155; PL 100-17, Sec 118

CFR Citation: 23 CFR 668

Legal Deadline: None.

Abstract: This final rulemaking revised procedures for the administration of emergency funds for the repair or reconstruction of Federal-aid highways, which are found to have suffered serious damage by natural disasters over a wide area or catastrophic failures. These revisions will improve the effectiveness of program implementation. The final rule brings the existing regulation up-to-date considering recent legislative and administrative changes in the program, including section 118 of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	09/17/85	50 FR 37688
NPRM Comment Period End	12/16/85	50 FR 37688
Final Action	06/10/87	52 FR 21945
Final Action Effective	06/10/87	52 FR 21945

Small Entity: No

Additional Information: This rulemaking resulted from a review of the regulation.

Analysis: Reg. Evaluation (Minimal impact) 06/10/87 (52 FR 21945)

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AA50

1940. NAVIGATIONAL CLEARANCES FOR BRIDGES

Significance: Nonsignificant

Legal Authority: 23 USC 144(h); 23 USC 315; 33 USC 401; 33 USC 491; 33 USC 511; PL 100-17, Sec 123

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: This regulation establishes FHWA policy and sets forth coordination procedures for Federal-aid highway bridges which require navigational clearances. The revisions summarize existing policies and procedures regarding the construction of bridges over navigable waterways for the purpose of strengthening and improving the coordination between highway interests and waterway interests, and achieving cost-effective designs. In addition, the rulemaking incorporates the exact statutory language mandated by section 123(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) concerning the need for U.S. Coast Guard permits for highway projects on certain minor waterways.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14251
NPRM Comment Period End	07/11/85	50 FR 14251
Final Action	07/28/87	52 FR 28137
Final Action Effective	08/27/87	52 FR 28137

Small Entity: No

Additional Information: A 90 day comment period was provided.

Analysis: Reg. Evaluation (Minimal impact) 07/28/87 (52 FR 28137)

Agency Contact: Philip Thompson, Hydraulics Engineer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4611

RIN: 2125-AB07

1941. REQUIRED CONTRACT PROVISIONS

Significance: Nonsignificant

Legal Authority: 23 USC 114; 23 USC 315

CFR Citation: 23 CFR 633

Legal Deadline: None.

Abstract: This revision will restructure the existing regulation and remove from it all provisions covered by other regulations. This will facilitate the handling of FHWA form 1273 as a non-regulatory action.

Timetable:

Action	Date	FR Cite
Final Action	10/02/87	52 FR 36919
Final Action Effective	10/02/87	52 FR 36919

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/02/87 (52 FR 36919)

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1584

RIN: 2125-AB20

1942. AGREEMENT PROVISIONS REGARDING OVERRUNS IN CONTRACT TIME

Significance: Nonsignificant

DOT—FHWA — **Completed Actions**

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: Revised regulations require each State highway agency (SHA) to keep liquidated damage provisions current so that amounts recovered through contractor assessments would at a minimum cover SHA's average daily construction engineering cost attributable to the contract time overrun. The FHWA rate table presently in the regulation is removed and the provisions for FHWA recovery of costs are modified.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9417
NPRM Comment Period End	05/02/86	51 FR 9417
Final Action	08/20/87	52 FR 31388
Final Action Effective	10/05/87	52 FR 31388

Small Entity: No

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 08/20/87 (52 FR 31388)

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1584

RIN: 2125-AB49

1943. ● LANDSCAPE AND ROADSIDE DEVELOPMENT

Significance: Nonsignificant

Legal Authority: 23 USC 131; 23 USC 315; 23 USC 319; 42 USC 4321 et seq; PL 100-17, Sec 130

CFR Citation: 23 CFR 752

Legal Deadline: None.

Abstract: The FHWA amended its regulation on landscape development to implement a requirement for planting native wildflowers along Federal-aid highways as mandated by section 130 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 130 of STURAA amended 23 U.S.C. 319 by adding a requirement that at least one-quarter of one percent of funds expended for landscaping projects be used to plant native wildflowers. This provision requires every landscaping project to include the planting of native wildflower seeds and/or seedlings, unless a waiver has been granted.

Timetable:

Action	Date	FR Cite
Final Action	09/14/87	52 FR 35638
Final Action Effective	09/14/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 09/14/87 (52 FR 35638)

Agency Contact: Larry Isaacson, Chief, Environmental Analy. Division, Department of Transportation, Federal Highway Administration, 202 366-9173

RIN: 2125-AB89

1944. ● DRIVING OF MOTOR VEHICLES; OUT-OF-SERVICE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2505; 23 USC 315

CFR Citation: 49 CFR 392

Legal Deadline: None.

Abstract: This rulemaking action responds to section 12008(d) of the Commercial Motor Vehicle Safety Act of 1986 (Pub. L. 99-570). The FHWA is amending part 392 to establish and enforce an out-of-service period of twenty-four hours for any commercial vehicle driver of a motor carrier who violates the provisions of 49 CFR 392.

Timetable:

Action	Date	FR Cite
Final Action	07/20/87	52 FR 27200
Final Action Effective	08/19/87	52 FR 27200

Small Entity: No

Analysis: Regulatory Evaluation 07/20/87 (52 FR 27200)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 366-4049

RIN: 2125-AB90

1945. ● BRIDGE TOLL PROCEDURES; RESCISSION

Significance: Nonsignificant

Legal Authority: PL 100-17, Sec 135; 23 USC 315

CFR Citation: 49 CFR 310

Legal Deadline: None.

Abstract: The FHWA regulation on bridge toll procedural rules has been rescinded because the provisions are obsolete. Section 135 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) repealed the legislation providing for Federal regulation and review of toll increases on certain toll bridges. For this reason, Part 310 is no longer operative, and has been, therefore, rescinded.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/02/87	52 FR 22473
Final Action	06/12/87	52 FR 22473

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 06/12/87 (52 FR 22473)

Agency Contact: Mr. Edward J. Mullaney, Department of Transportation, Federal Highway Administration, 202 366-1356

RIN: 2125-AB97

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Prerule Stage

1946. + REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None.

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an

evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	12/31/88	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AB78

1947. + SIDE IMPACT PROTECTION, HEAD/NECK PROTECTION, AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None.

Abstract: Would propose amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB85

1948. + UNIFORM TIRE-QUALITY GRADING

Significance: Agency Priority

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None.

Abstract: Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0846**

RIN: 2127-AA52

1949. REVIEW: SCHOOLBUS SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None.

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AA65

1950. REVIEW: SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None.

Abstract: This regulation was selected for review because of costs.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/86	
Preliminary evaluation report published	02/10/87	52 FR 4818
End Review	12/00/87	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AA69

1951. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: The standard requires passenger cars sold after Oct. 1, 1985 to be equipped with center high-mounted stop lamps. The evaluation will determine the reduction of rear-impact collisions that occurs after the lamps are introduced in the vehicle fleet, as well as the cost of the lamps.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary evaluation report published	03/20/87	52 FR 9609
Interim Report	01/01/88	
End Review	10/01/89	

Small Entity: Undetermined

Additional Information: The preliminary evaluation report indicated that cars equipped with center high mounted stop lamps were 22 percent less likely to be struck in the rear while braking than cars without the lamps.

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evalution, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AB76

1952. ● REVIEW ROOF CRUSH RESISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.216

Legal Deadline: None.

Abstract: This program was selected for review because of costs. The evaluation will study the effect of roof crush strength on the crashworthiness of passenger cars in rollover crashes.

DOT—NHTSA

Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	12/31/88	

Small Entity: No

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AC20

1953. FLAMMABILITY OF SCHOOL BUS INTERIOR MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would utilize guidelines prescribed by UMTA to define flammability characteristics of school bus interior materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA44

1954. CONSUMER INFORMATION - WET STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.105

Legal Deadline: None.

Abstract: Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AA56

1955. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None.

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multi-purpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
End Review	12/00/87	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB16

1956. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None.

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that, while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Act review is not required. The rule will still be reviewed as a priority review item. Subsequent to completion of the study and provision for public comment, the Agency will consider whether changes should be made in the standard's requirements.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	09/00/88	

Small Entity: No

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB43

1957. OCCUPANT CRASH PROTECTION: DYNAMIC-TESTING PETITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: The American Seat Belt Council petitioned the agency to amend Standard No. 208 to require that automatic belts and dynamically tested manual belts meet the webbing requirements of Standard No. 209. NHTSA is currently reviewing the petition, to consider appropriate action.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Analysis: Evaluation type to be determined

DOT—NHTSA

Prerule Stage

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AC00

1958. ● NON-PNEUMATIC TIRES FOR PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None.

Abstract: Based on a petition, the agency is considering creation of a new standard for temporary-use non-pneumatic spare tires. At the present time Federal Motor Vehicle Safety Standard No. 110 prohibits the use of non-pneumatic tires.

Timetable:

Action	Date	FR Cite
Request for Comments	09/23/87	52 FR 35740
Comment Period End	12/22/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AC18

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Proposed Rule Stage

1959. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None.

Abstract: Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-17. NPRM, Notice 1. Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; Notice 2).

Analysis: Regulatory Impact Analysis

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4805**

RIN: 2127-AA03

1960. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405
Request for Comments	09/18/87	52 FR 35345
Comment Period End	11/09/87	

Small Entity: No

Additional Information: Docket No. 80-9.

Research underway.

Analysis: Regulatory Flexibility Analysis

Agency Contact: M. Finkelstein, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1537**

RIN: 2127-AA12

1961. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 1 11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA43

1962. + PEDESTRIAN PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would reduce adult pedestrian leg injuries and child injuries through modification of the vehicle bumper area.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015

Next Action Undetermined

Small Entity: Yes

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA45

1963. + ANTHROPOMORPHIC TEST DUMMIES: SIDE-IMPACT THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA48

1964. + SPLASH AND SPRAY SUPPRESSION DEVICES

Significance: Regulatory Program

Legal Authority: 49 USC 2314

CFR Citation: 49 CFR 583

Legal Deadline: None. Standard for new vehicles is now required to take effect one year after final rule is published.

Abstract: In accordance with the mandate of section 414 of the Surface Transportation Assistance Act of 1982, would establish minimum standards with respect to the performance of splash and spray suppression devices on truck tractors, semitrailers and trailers. Would also establish minimum standards with respect to the installation of splash and spray suppression devices on new vehicles. This regulation is significant because it is potentially controversial.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14632
NPRM Comment Period Extended	02/13/86	51 FR 5383
NPRM Comment Period End	04/14/86	51 FR 5383
Request for comment and Notice of Public Meetings	09/28/87	52 FR 36285
Comment Period End	11/27/87	

Small Entity: Yes

Additional Information: NHTSA's rulemaking would only affect new vehicles and equipment. However, section 414 of the Surface Transportation Assistance Act also mandates that the Department of Transportation establish minimum standards with respect to the installation of splash and spray devices for vehicles already in service. The Federal Highway Administration will conduct the rulemaking to satisfy that mandate. The Federal Highway Administration has classified its rulemaking as major. The costs of that rulemaking are expected to be much greater than NHTSA's rulemaking since (1) the population of vehicles in service is many times the annual production of new trucks, (2) a truck manufacturer will pay less per unit for each splash and spray suppression device when ordered in large quantities, and (3) the labor time to install the devices is far less for a new truck manufacturer, since it can be done at the assembly plant. In 1984, the Surface Transportation Assistance Act was amended to change the implementation date from 1/1/85, for new vehicles and 1/1/88, for vehicles in service, to one year after publication of the Final Rule for new vehicles & 3 years later for vehicles in service.

Analysis: Preliminary Regulatory Evaluation 04/12/85 (50 FR 14632)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA97

1965. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None.

Abstract: Would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 00/00/00

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AB21

1966. + SIDE IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None.

Abstract: Would propose amending the current standard to upgrade thoracic protection in passenger-car side impacts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration,

400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB86

1967. + LIGHTING SIMPLIFICATION--POTENTIAL AMENDMENTS TO SIMPLIFY FMVSS 108 LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor vehicle safety. The agency has concentrated its efforts into five principal areas. The first is the feasibility of a standard directed toward on-board original equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. The second is the desirability of specifications for headlamp life. The third concerns the necessity of dimensional specifications for headlamp equipment. The fourth is the issue of headlamp aim. The fifth is the elimination of obsolete photometric requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	10/00/87	

Small Entity: Undetermined

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB87

1968. + 1990-1991 MODEL YEAR LIGHT-TRUCK FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Statutory. Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the model year(s).

Abstract: In accordance with the mandatory requirements of Section 502 (b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light-truck average fuel-economy standards for Model Years 1990 and 1991.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	12/00/88	

Small Entity: Not Applicable

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-21 400 Seventh St., SW, Washington, DC 20590, **202 366-4936**

RIN: 2127-AC05

1969. + HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Agency Priority

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None.

Abstract: Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as antilock systems, automatic brake adjustors, load-sensing proportioning values, air driers, and retarders for heavy trucks, buses, and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA00

1970. + VEHICLE CLASSIFICATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: In response to a petition for rulemaking, the notice would invite comment on possible amendments to the safety regulations with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Deborah Parker, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4931**

RIN: 2127-AA57

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Proposed Rule Stage

1971. + VOLUNTARY TIRE REGISTRATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Legal Deadline: None.

Abstract: This regulation requires that independent tire dealers provide customers with a card to register newly purchased tires so that the customer may send in the completed card. These dealers were formerly required to register the tires for the customer, a requirement which has been retained for manufacturer-owned stores. The Motor Vehicle Safety and Cost Savings Authorization Act of 1982 requires that an evaluation be conducted.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/83	
Prelim. Evaluation Report Published	09/27/85	50 FR 188
ANPRM	12/23/86	51 FR 45916
ANPRM Comment Period End	02/06/87	51 FR 45916

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AB18

1972. + HEAVY TRAILER STABILITY

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	49 FR 21551

Next Action Undetermined

Small Entity: Yes

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force was formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task force analysis, which are anticipated in 1987.

Analysis: To Be Determined

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB42

1973. + OCCUPANT CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: ANPRM will request comments on proposing an amendment to Standard No. 208, Occupant Crash Protection, to require Type 2 safety belts in the outboard seating positions in the rear seats of passenger cars and MPVs and trucks with GVWR of 10,000 pounds or less. This action is significant because of the recent NTSB report on lap-belt injuries and resultant public interest expected.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/87	52 FR 22818
ANPRM Comment Period End	07/31/87	52 FR 22818
NPRM	10/00/87	

Small Entity: Undetermined

Analysis: Regulatory Impact Analysis 00/00/00

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB91

1974. + HEAD RESTRAINTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None.

Abstract: Petition for rulemaking to require head restraints on vehicles other than passenger cars. NHTSA is currently reviewing the petition, to determine appropriate action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Impact Analysis

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AC06

1975. PASSENGER CAR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None.

Abstract: Would propose a New Standard No. 135. "Passenger Car Brake System," which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE).

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Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Extended comment period to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM	01/14/87	52 FR 1474
SNPRM Comment Period End	10/13/87	

Small Entity: No

Additional Information: Docket No. 85-06.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA13

1976. REARVIEW MIRROR SYSTEMS: HEAVY VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA21

1977. REARVIEW MIRROR SYSTEMS: LIGHT VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: Would amend Federal Motor Vehicle Safety Standard No. 111 to improve mirror systems for trucks, buses, and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA23

1978. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None.

Abstract: Would revise the requirements in Standard No. 121 for parking and emergency brake functions for trailers. Based on comments to NPRM of 02/23/81 (46 FR 37952) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
SNPRM Supplemental	10/00/87	

Small Entity: No

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA27

1979. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None.

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: No

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1834**

RIN: 2127-AB79

1980. VOLUNTARY VEHICLE IDENTIFICATION STANDARD (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2033

CFR Citation: 49 CFR to be determined

Legal Deadline: None.

Abstract: NHTSA will promulgate a voluntary vehicle identification standard under which any person may elect to inscribe or affix an identifying number or symbol on major parts of any motor vehicle manufactured or owned by such person for purposes of section 511 of Title 18, United States Code, and related provisions. Compliance with this standard shall not relieve any manufacturer of motor vehicles from compliance with the requirements of the Federal motor vehicle theft prevention standard (49 CFR Part 541), or any other applicable regulation. Action is significant because it supplements the statutory requirement of 15 USC 2033 by allowing consumers to protect their vehicles and parts by identifying them.

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Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Agency Contact: Barbara Kurtz, Senior Program Analyst, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh St., SW, Washington, DC 20590, 202 366-4807

RIN: 2127-AB93

1981. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would update the specifications of Part 572 covering the three-year-old child dummy to allow optional use of new accelerometers and a new head design.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB94

1982. GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None.

Abstract: Possible amendment to Standard No. 205, Glazing Materials, to require markings remain visible when glazing is installed in vehicles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB98

1983. ● ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would add the specifications covering the 6-year-old child dummy to Part 572 to allow its use in evaluation of child restraints designated for older children.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC09

1984. ● ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would add the specification covering the 9-month-old child test dummy to Part 572 to allow its use in evaluation of restraints designated for infants and small toddlers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC10

1985. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208 - OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: In response to a petition from the Ford Motor Company to extend the current one car credit (for vehicles equipped with a driver side air bag and a manual lap/shoulder belt at the passenger side) beyond the phase-in period to allow consolidation of engineering efforts to produce passenger side air bags as well as driver side air bags, an NPRM was issued on November 25, 1986 (51 FR 42598).Responses were favorable and subsequently, on March 30, 1987, a Final Rule (52 FR 10096) was issued permitting the extension of the one car credit, but limited to an additional four years beyond the end of the current phase-in period. Petition for reconsideration is being reviewed; decision is to be made by 10/00/87.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Resolution of petition for reconsideration	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC11

1986. ● SUPPLEMENTAL FMVSS NO. 208 INJURY CRITERIA - FACIAL LACERATIONS, NECK INJURY, KNEE SHEAR, TIBIA AND ANKLE INJURIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

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Abstract: The intention to apply in Federal Motor Vehicle Safety Standard No. 208 rulemaking additional injury criteria in order to prevent facial lacerations, neck injury, knee shear, tibia, and ankle trauma was announced in Notice 39 Docket 74-14. The final rule (Notice 40) stated that the agency will issue another Notice on the additional injury criteria to gain additional information about the potential effects of adopting these criteria. Alternatives and potential costs were addressed in Notice 39.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC12

1987. ● MANDATORY USE OF THE PART 572(E) DUMMY IN FMVSS 208 COMPLIANCE TESTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Petitions for reconsideration have raised the question of whether the Part 572(e) dummy's chest deflection limit of 2 in. is appropriate for belt restraints. The rulemaking will address the petitioner's issues.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC13

1988. ● FEDERAL MOTOR VEHICLE SAFETY STANDARDS NO. 205, GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None.

Abstract: Based on a petition, would amend Federal Motor Vehicle Safety Standard No. 205, Glazing Materials, to revise the ball drop test (Test 12) for glass-plastic glazing. NHTSA is evaluating the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC14

1989. ● NEW PNEUMATIC TIRES FOR PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None.

Abstract: Non-substantive amendments to Federal Motor Vehicle Safety Standard No. 109 to add an inflation pressure for reinforced tires. This increase in inflation pressure will be done without an increase in the tire load capacity. This change will allow reinforced tires (extra-load tires) to operate at a higher pressure for safety and optimum vehicle handling. No cost is involved.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC16

1990. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 221, SCHOOLBUS BODY JOINT STRENGTH

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.221

Legal Deadline: None.

Abstract: Requests comments on three items, all related to FMVSS No. 221 School Bus Body Joint Strength. These are: (a) possible new standard requiring minimum floor strength for large school buses over 10,000 lbs. GVWR, (b) revision of exemption provision for maintenance access panels, and (c) revision of test procedures of FMVSS No. 221

Timetable:

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314
Comment Period Extended to	10/15/87	52 FR 29873

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC19

1991. ● GEAR LOCK; THEFT PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.114

Legal Deadline: None.

Abstract: An amendment to Federal Motor Vehicle Safety Standard (FMVSS) No. 114 to prevent the inadvertent knocking out of gear of the gear shift lever and potential accidents, injuries and fatalities from vehicles rolling out of control. This amendment is in response to a petition for rulemaking relating to an inadvertent knock-out-of-gear accident resulting in

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a fatality. In addition, FMVSS 114 is proposed to be amended to insure that, if a steering column locking device is employed, the device cannot be activated until the key is removed and the vehicle must be in park on automatic transmission to remove the key and either reverse or first gear for manual transmissions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC24

1992. ● POWER-OPERATED WINDOW SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1393; 15 USC 1407

CFR Citation: 49 CFR 571.118

Legal Deadline: None.

Abstract: Amendments are proposed to Federal Motor Vehicle Safety Standard No. 118 to extend applicability of the standard to light trucks to broaden the safety potential, to allow lowering of power windows after the key is removed to provide more consumer convenience without degrading safety, and to change the terminology of the exterior activation device from key-locking to just locking which allows alternative locking systems, such as touch-pad locks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC25

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

1993. + POST-1986 PASSENGER CAR FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Statutory. Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: General Motors (GM) and Ford have petitioned for reduction of the passenger car average fuel economy standards for Model Year 1986 and beyond. The Center for Auto Safety and the Environmental Policy Institute petitioned to raise the standards for Model Years 1987 through 1990. All of these petitions were addressed in rulemakings which reduced the standard from 27.5 miles per gallon (mpg) to 26.0 mpg for Model Years 1986 through 1988 (10/06/86, 51 FR 35594) Further rulemaking action, for Model Years 1989 and beyond, is undetermined at this time, pending potential legislative action to repeal or amend the CAFE legislation.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2912
NPRM Comment Period End	03/24/86	51 FR 2912
SNPRM	07/30/86	51 FR 27224

Next Action Undetermined

Small Entity: No

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AB75

1994. + PETITIONS FOR EXEMPTION FROM THE VEHICLE THEFT PREVENTION STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 2025

CFR Citation: 49 CFR 543

Legal Deadline: None. Statute requires petitions for exemption to be submitted 8 months before start of production of passenger vehicle line.

Abstract: Establishes procedures to be followed by manufacturers in preparing and submitting petitions for exemptions from the vehicle theft prevention standard. Passenger motor vehicle manufacturers may petition NHTSA for these exemptions for vehicle lines whose standard equipment includes an antitheft device that is likely to be as effective as compliance with the vehicle theft prevention standard in deterring and reducing vehicle theft. Procedures are also established which the agency will follow in processing these petitions and in reaching determinations on whether they should be granted. These procedures have been issued as an interim final rule for MY 1987 and as a proposed rule for MYs 1988 and thereafter.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 715
Interim Final Rule	01/07/86	51 FR 706
NPRM Comment Period End	03/10/86	51 FR 715
Final Action	10/00/87	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 01/07/86 (51 FR 706)

Agency Contact: Barbara Kurtz, Senior Program Analyst, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4807

RIN: 2127-AB81

1995. + FEDERAL MOTOR VEHICLE SAFETY STANDARDS; SCHOOLBUS PASSENGER SEATING AND CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None.

DOT—NHTSA

Final Rule Stage

Abstract: Would amend Federal Motor Vehicle Safety Standard No. 222, School Bus Passenger Seating and Crash Protection, to set requirements for safety belts when belts are voluntarily installed on school buses having gross vehicle weight ratings greater than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41368
NPRM Comment Period End	11/25/85	50 FR 41368
Final Action	12/00/87	

Small Entity: No

Additional Information: Notice grants a petition for rulemaking submitted by the Wayne Corporation and proposes an amendment to Federal Motor Vehicle Safety Standard No. 222, "School Bus Passenger Seating and Crash Protection."

Analysis: Regulatory Impact Analysis

Agency Contact: Robert Williams, Department of Transportation, National Highway Traffic Safety Administration, NRM-12, 400 Seventh Steet, SW, Washington, DC 20590, **202 366-4919**

RIN: 2127-AB84

1996. + DAYTIME RUNNING LIGHTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: A petition was received from the Insurance Institute for Highway Safety (IIHS) on November 8, 1985. It requests that the Federal lighting regulation (FMVSS No. 108) be changed to allow installation of daytime running lights (DRLs) by original equipment manufacturers. Although the existing standard does not specifically prohibit DRLs, some changes to FMVSS No. 108 would be required to accommodate various suggested DRL configurations. NHTSA has exchanged information with Transport Canada on DRLs, and on the evaluation of effectiveness of various DRL configurations. Canada issued a proposed regulation which would require that new vehicles be equipped with DRLs. The agency would like to ensure that changes made in FMVSS No. 108 are compatible with the final technical specifications of Transport Canada. NHTSA plans to take action on the IIHS petition now that the Canadian NPRM is published. Proceeding is significant because of the importance of keeping pace with the Canadian action.

Timetable:

Action	Date	FR Cite
NPRM	03/24/87	52 FR 9316
NPRM Comment Period End	05/08/87	52 FR 9316
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Ralph J. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4910**

RIN: 2127-AB92

1997. + OCCUPANT CRASH PROTECTION: LIGHT-TRUCK SAFETY BELT DYNAMIC TESTING

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Proposes an amendment to Standard No. 208 to require dynamic testing of manual belts in light-duty trucks.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14589
NPRM Comment Period End	05/28/85	50 FR 14589
Final Action	12/00/87	

Small Entity: Undetermined

Analysis: Evaluation type to be determined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AC01

1998. STEERING CONTROL REARWARD DISPLACEMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.204

Legal Deadline: None.

Abstract: Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13402
NPRM Comment Period End	07/19/85	50 FR 20919
Final Action	12/00/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Preliminary Regulatory Evaluation 04/04/85 (50 FR 13402); Final Regulatory Evaluation 10/00/87

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA32

1999. MOTORCYCLE HELMETS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.218

Legal Deadline: None.

Abstract: The proposal would add new headform sizes to Federal Motor Vehicle Safety Standard No. 218.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39144
NPRM Comment Period End	11/26/85	50 FR 39144
Final Action	10/00/87	

Small Entity: Undetermined

Analysis: Preliminary Regulatory Evaluation 09/27/85 (50 FR 39144)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA40

2000. SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

DOT—NHTSA **Final Rule Stage**

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would update the definition of Seating Reference Point to incorporate latest industry practices.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
Final Action	12/00/87	

Small Entity: No

Additional Information: Docket No. 82-05.

Analysis: Regulation Evaluation (Minimal) 06/05/86 (51 FR 20536)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA46

2001. CONSUMER INFORMATION--STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.101

Legal Deadline: None.

Abstract: Would modify requirements for stopping-distance consumer information. A notice was published approving various alternatives concerning the requirement to provide stopping-distance information. Comments are under review and analysis.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30166
NPRM Comment Period End	08/05/83	48 FR 30166
Final Action	10/00/87	

Small Entity: No

Additional Information: Docket No. 83-09. NPRM, Notice 1.

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4805**

RIN: 2127-AA50

2002. REARVIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: This proposal would amend Federal Motor Vehicle Safety Standard No. 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. Final Rule to permit use of passenger side convex mirrors published. Final Rule responding to petitions and clarifying 1982 Final Rule published.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 38842

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA88

2003. HYDRAULIC AND AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None.

Abstract: In response to a petition for rulemaking, would amend the brake burnish procedures specified for vehicles over 10,000 pounds by Standards No. 105 and No. 121.

Timetable:

Action	Date	FR Cite
NPRM	06/27/83	48 FR 29560
NPRM Comment Period End	08/26/83	48 FR 29560
SNPRM published comment period ended 11/19/85	05/23/85	50 FR 21313
Final Action	10/00/87	

Small Entity: No

Additional Information: Docket Nos. 70-27 and 83-07. NPRM, Docket No. 70-27, Notice 26; Docket No. 83-07, Notice 1.

Analysis: Regulatory Evaluation (Minimal) 05/23/85 (50 FR 21313)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA92

2004. SEAT BELT ASSEMBLY ANCHORAGES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None.

Abstract: Proposes amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

DOT—NHTSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3293
NPRM Comment Period End	04/06/87	52 FR 3293
Final Action	12/00/87	

Small Entity: No

Analysis: Evaluation type to be determined

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA95

2005. AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None.

Abstract: Would amend the brake application and release timing requirements and test devices in Federal Motor Vehicle Safety Standard No. 121 in order to better simulate the real-world performance with respect to towing and towed units, especially multi-trailer combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	50 FR 20113
NPRM Comment Period Extended to 12-30-85	07/01/85	50 FR 27032
Final Action	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 05/14/85 (50 FR 20113)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB12

2006. OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Proposes an amendment to standard No. 208, Occupant Crash Protection, to upgrade the safety belt requirements for new trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating of more than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 23041
NPRM Comment Period End	07/15/85	
Final Action	12/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation (Minimal) 05/24/85 (50 FR 23041)

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB71

2007. CHILD RESTRAINT SYSTEMS -- BUILT-IN CHILD RESTRAINTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 47 CFR 571.213

Legal Deadline: None.

Abstract: Modify standard no. 213 to allow built-in child restraints and specify performance requirements for these built-in restraints.

Timetable:

Action	Date	FR Cite
NPRM	03/23/87	52 FR 9194
NPRM Comment Period End	05/22/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB97

2008. ● STANDARD NO. 112, HEADLAMP CONCEALMENT DEVICES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.112

Legal Deadline: None.

Abstract: Chrysler Corporation petitioned for a change to Federal Motor Vehicle Safety Standard No. 112, Headlamp Concealment Devices. It requested that a requirement, for no light to be projected to the left or above the final position of a headlamp beam during the operation of a concealed headlamp from closed to open or vice versa, be changed to a performance test. Agency review of the petition and standard found that the design restrictive requirement did not appear to solve a significant safety problem. The agency proposed deletion of the requirement rather than amending it as Chrysler requested.

Timetable:

Action	Date	FR Cite
NPRM	02/23/87	52 FR 5474
NPRM Comment Period End	04/09/87	52 FR 5474
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AC21

2009. ● STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Volkswagen of America petitioned to change Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment to permit an additional standardized replaceable light source for motor vehicle headlamps. The type of light source proposed was that currently used in European headlamps, the type H-4. Review of the merits of the petition found that, as used in Europe, the light source was not capable of achieving the

level of performance required of U.S. light sources and NHTSA subsequently proposed a U.S. version to be known as the type HB2, which would have interchangeability and performance aspects compatible with U.S. safety needs. Comments by the U.S. and foreign lighting and vehicle manufacturers led to a supplemental notice.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	50 FR 19961
Supplemental NPRM comment period ended 07/14/86	06/13/86	51 FR 21696
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC22

2010. ● MOTOR VEHICLE BRAKE FLUIDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.116

Legal Deadline: None.

Abstract: Non-substantive amendment to Federal Motor Vehicle Safety Standard No. 116 to allow use of adhesive type labels on fluid containers. Present standard allows only lithographed or silk screen type labels directly on surface of containers. The latter type labels are considered more expensive for small volume lots. No cost is involved.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	52 FR 10775
NPRM Comment Period End	06/02/87	52 FR 10775
Final Action	10/31/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC26

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions

2011. CONTROLS AND DISPLAYS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.101

Legal Deadline: None.

Abstract: Final rule amends Standard No. 101 to permit greater flexibility in the illumination and identification of controls and displays. The rule allows gauges to have a two-level lighting intensity, rather than being continuously variable over a wide range. It distinguishes between critical telltales, such as the turn signal indicators, which must be visible under all lighting conditions, and less significant telltales, such as the water temperature indicator, which are permitted the same range of intensity as gauges. The term, "informational readout display" is eliminated as no longer useful. To accommodate new display technologies, the rule permits the cancellation of messages, but requires them to be retrievable by the driver. The use of specified words to identify controls is permitted, as an alternative to the symbols now required for many controls. This action was initiated in response to several petitions for rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/12/85	50 FR 37240
NPRM Comment Period End	10/28/85	50 FR 37240
Final Action	02/03/87	52 FR 3244
Final Action Providing partial response to petition	03/09/87	52 FR 7150
Final Action	09/03/87	52 FR 33416

Small Entity: No

Additional Information: Docket No. 1-18. NPRM, Notice 21. The comments to the Notice of Proposed Rulemaking, NPRM, of 02/01/82 (47 FR 4541) and an agency task force review led to the decision to issue a new NPRM on the subject.

In March 1987, a partial response to petitions for reconsideration was published. Remaining issues will be addressed in a separate notice.

Analysis: Regulatory Evaluation (minimal) 09/12/85 (50 FR 37240)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA06

2012. ● STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: BMW of North America petitioned to permit headlamp mechanical aiming pad configurations specified for sealed beam headlamps with circular lenses to be used on replaceable bulb headlamps. Agency review of the petition found that no safety reason exists that should prohibit such a use and that the omission from the current standard was inadvertent. Consequently, NHTSA will permit such use.

Timetable:

Action	Date	FR Cite
NPRM	02/25/87	52 FR 5563
NPRM Comment Period End	04/13/87	52 FR 5563
Final Action	09/14/87	52 FR 34654

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway

DOT—NHTSA Completed Actions

Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC23

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Prerule Stage

2013. + REVIEW OF RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Legal Deadline: None.

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	11/04/86	51 FR 40101
Public Hearing, Washington, DC 1/27/87 to	01/29/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA34

2014. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register or August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entity: Yes

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA10

2015. REVIEW OF LOCOMOTIVE CAB SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Legal Deadline: None.

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomotive cabs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA32

2016. REVIEW: SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Legal Deadline: None.

Abstract: The inquiry will obtain information to assist in evaluation of the impact of the change in the power brake regulations made in August 1982 in Docket PB-6.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket RSSI-85-1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA40

2017. SAFETY STANDARDS FOR CABOOSES

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 237

Legal Deadline: None.

Abstract: The proposed rule would seek to establish comprehensive safety standards for cabooses.

DOT—FRA **Prerule Stage**

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. RSC-76-6

Analysis: Regulatory Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA01

2018. AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 905 OF THE 4R ACT

Significance: Nonsignificant

Legal Authority: PL 94-210

CFR Citation: 49 CFR 265

Legal Deadline: None.

Abstract: This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: William Fashouer, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0621

RIN: 2130-AA04

2019. RULES OF PRACTICE

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 49 CFR 211

Legal Deadline: None.

Abstract: Action would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA07

2020. SPECIAL SAFETY INQUIRY; RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The inquiry will obtain information from the public to assist in evaluating possible future courses of action to enhance public safety at railroad-highway grade crossings.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Public Hearing, St. Paul, Minnesota	07/16/84	
Notice of Special Safety Inquiry	12/24/84	49 FR 49961
Public Hearing, Washington, D.C. begins 01/23/85	01/24/85	
Summary Report on Hearings	07/16/85	
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. RSSI - 84-3.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA27

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Proposed Rule Stage

2021. + INFORMAL SAFETY INQUIRY AND RULEMAKING; CONTROL OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 219

Legal Deadline: None.

Abstract: Based on experience derived from the first year of administration of FRA's rule on Control of Alcohol and Drug Use in Railroad Operations, FRA has identified the need for additional capability to detect and control drug use that can impact on the safety of rail transportation. Accordingly, FRA is developing a proposed rule prohibiting any unauthorized use of controlled substances by employees subject to the current rule and mandating random testing of those employees for controlled substances. FRA has also conducted a special safety inquiry on the administration of the present rule and is developing a notice of proposed rulemaking to refine and enhance the existing regulatory requirements.

Timetable:

Action	Date	FR Cite
Notice of Informal Safety Inquiry	01/20/87	52 FR 2118
Public Hearing, Washington, D.C.	02/18/87	
NPRM	11/15/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter C. Rockey, Jr., Executive Assistant to the Associate

DOT—FRA — Proposed Rule Stage

Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0897**

RIN: 2130-AA43

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage
Urban Mass Transportation Administration (UMTA)

2022. + MAINTENANCE OF EQUIPMENT AND FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 636

Legal Deadline: None.

Abstract: This regulation would require each transit agency that receives Federal financial assistance to have a maintenance program that states maintenance goals and objectives, provides for adequate maintenance for both fixed facilities and equipment, and provides for adequate personnel to meet the goals and objectives of the program. The proposed rule would also require that each transit agency retain or assemble information necessary for UMTA to review the transit agency's actual maintenance activities and make determinations on compliance as required by statute. This rule is significant because it concerns a matter on which there is substantial controversy. UMTA is reviewing this initiative to determine if rulemaking is practicable.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The Surface Transportation Assistance Act of 1982 (1982 STAA) included maintenance provisions in both sections 3 and 9 of the UMT Act. In the new section 9 block grant program, Congress provided that all recipients must certify that they will maintain facilities and equipment. UMT Act section 9(e)(3)(B). Section 9(g)(1) authorizes UMTA to determine by review or audit whether the recipients have complied with the maintenance requirement. The 1982 STAA also amended the section 3 discretionary grant and loan program by adding a provision that requires applicants to have sufficient capability to maintain facilities and equipment obtained with Federal assistance. UMT Act 3(a)2(A)(iii). This proposed regulation would provide UMTA with the information necessary to implement these provisions.

Agency Contact: Kenneth F. Bolton, Department of Transportation, Urban Mass Transportation Administration, Office of Policy, UMTA, 400 Seventh Street, SW, Room 9311, Washington, DC 20590, **202 366-4060**

RIN: 2132-AA26

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage
Urban Mass Transportation Administration (UMTA)

2023. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615 UMT Act Sec. 19

CFR Citation: 49 CFR 626

Legal Deadline: None.

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1987.

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Clifford T. Lee, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 7412, Washington, DC 20590, **202 366-0814**

RIN: 2132-AA01

2024. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 615

Legal Deadline: None.

Abstract: This regulation, which is being developed in light of recent legislative action, would set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major urban mass transportation investments. A major urban mass transportation investment is any project that involves the construction of a new fixed guideway segment, or extension of an existing fixed guideway, for use by buses or rail vehicles. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Notice of Policy	05/18/84	49 FR 21284
NPRM	10/00/87	

Small Entity: Undetermined

DOT—UMTA

Proposed Rule Stage

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Don Emerson/Theodore A. Munter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9228, Washington, DC 20590, 202 366-1936

RIN: 2132-AA22

2025. + EXTENSION OF SAFETY REQUIREMENTS TO ALL FEDERALLY ASSISTED BUSES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 637

Legal Deadline: None.

Abstract: On October 1, 1982, UMTA rescinded its policy making advanced design bus specifications (The "White Book") mandatory for its grantees, but continued to mandate certain safety requirements applicable to advanced design buses. On October 16, 1984, UMTA issued an ANPRM on whether these safety requirements should be extended to other buses financed by UMTA. This rulemaking is significant because of substantial public interest and controversy and because of the potential impact on the bus industry.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/84	49 FR 40426
NPRM	10/00/87	

Small Entity: Undetermined

Additional Information: ANPRM asked for comments on what benefits would be derived from mandating these requirements; what their financial impact on manufacturers and grantees would be; and whether competition in bus markets would significantly be affected by these.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Kenneth E. Bolton, Director of Policy, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9300, Washington, DC 20590, 202 366-4060

RIN: 2132-AA24

2026. ● + CONTROL OF DRUG USE IN FEDERALLY FUNDED MASS TRANSPORTATION OPERATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1601; 49 USC 1602; 49 USC 1607; 49 USC 1618

CFR Citation: 49 CFR New Part

Legal Deadline: None.

Abstract: The purpose of this proposal is to eliminate the use of dangerous drugs by operators of mass transit vehicles or other transit safety sensitive workers. The proposal would require a recipient of Federal transit grants to certify that it has established a drug program consistent with the requirements of the regulation and providing for chemical testing of safety sensitive employees on a random basis as well as for pre-employment, post-accident, and reasonable suspicion.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Daniel Duff, Assistant Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, Room 9316, 400 7th St., SW, Washington, DC 20590, 202 366-4063

RIN: 2132-AA33

2027. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None.

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 USC 1602(g)) on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM in 1987.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	10/00/87	

Small Entity: Yes

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" school bus service. The public comment period closed November 26, 1982.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/87

Agency Contact: Daniel Duff, Assistant Chief Counsel, Legislation, and Regulations Division, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4063

RIN: 2132-AA09

2028. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None.

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 366-4836 of FHWA. RIN 2125-AB10.

DOT—UMTA

Proposed Rule Stage

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0096**

RIN: 2132-AA19

2029. ● ROLLING STOCK PURCHASE AUDITS

Significance: Nonsignificant

Legal Authority: PL 100-17

CFR Citation: 49 CFR 641

Legal Deadline: None.

Abstract: This regulation would implement a statutory provision that requires an independent pre-award and post-delivery audit of any grant used for the purchase of transit rolling stock to assure compliance with Federal motor vehicle safety standards, Buy American requirements, and adherence to bid specifications requirements. Manufacturer certification of compliance with this requirement is not sufficient and independent inspections and auditing are required.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, **202 366-4011**

RIN: 2132-AA29

2030. ● BUS TESTING GUIDELINES

Significance: Nonsignificant

Legal Authority: PL 100-17

CFR Citation: 49 CFR 642

Legal Deadline: None.

Abstract: This regulation would serve as a guideline for the testing of new model buses to be done at a facility in Altoona, Pennsylvania. By law, any "new model bus" purchased with UMTA funds after September 30, 1989, must first have been tested at such facility.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Undetermined

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation, and Regulation, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4011**

RIN: 2132-AA30

2031. ● PROJECT MANAGEMENT OVERSIGHT

Significance: Nonsignificant

Legal Authority: PL 100-17

CFR Citation: 49 CFR 647

Legal Deadline: Statutory, October 1987.

Abstract: This regulation would implement a statutory provision that permits UMTA to use a portion of the funding of its major capital programs to hire outside contractors to perform project management oversight of major capital projects, and require an UMTA grantee constructing a major capital project to prepare and, after UMTA approval, implement a project management plan.

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29709
NPRM Comment Period End	10/13/87	52 FR 29709

Small Entity: Undetermined

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation, and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, **202 366-4011**

RIN: 2132-AA31

2032. ● CHARTER BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Legal Deadline: None.

Abstract: This rulemaking, which implements section 3(f) of the UMT Act (49 U.S.C 1602(f)) would amend the existing charter bus operations regulations which were published on April 13, 1987. The amendment would concern the ability of certain non-profit entities to obtain handicap-accessible vehicles for charter service, or to receive service that otherwise would be unavailable to them.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Additional Information: On April 13, 1987, UMTA published its final rule on charter bus service. Under this regulation a recipient of UMTA funds is prohibited from providing any charter service using UMTA funded equipmen or facilities if there is at least one available charter operator willing and able to provide the charter service that the recipient of Federal funds proposes to provide. The House Appropriations Committee is concerned that under the requirements of this regulation, non-profit entities may not be able to afford the services of private charter operators, or, in the case of certain organizations, obtain the necessary handicap-accessible vehicles for charter service. This amendment would address those concerns.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Theodore Munter, Assistant Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1936**

RIN: 2132-AA32

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Final Rule Stage

2033. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 1653(f)

CFR Citation: 23 CFR 771; 49 CFR 622

Legal Deadline: None.

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	10/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Fred Skaer, FHWA, (202) 366-2050. Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM was published on August 1, 1983.

Analysis: Regulatory Evaluation 08/01/83

Agency Contact: Robert W. Stout, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0096**

RIN: 2132-AA03

2034. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424 Surface Transportation Assistance Act of 1982 Sec 165; PL 100-17 Surface Transportation and Uniform Relocation; Assistance of 1987

CFR Citation: 49 CFR 661

Legal Deadline: None.

Abstract: UMTA will issue an NPRM to implement new statutory provisions and will also amend existing regulations to reflect experiences in implementing the existing regulation.

Timetable:

Action	Date	FR Cite
Emergency Final Rule	09/15/83	49 FR 41562
Final Action	11/00/87	

Small Entity: Yes

Additional Information: Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 amends the "Buy American" provisions of Section 165 of the STAA of 1982. UMTA will issue an NPRM concerning the implementation of the statutory changes.

Government Levels Affected: Local, State, Federal

Agency Contact: Edward J. Gill, Jr., Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4063**

RIN: 2132-AA15

2035. INNOVATIVE TECHNIQUES AND METHODS

Significance: Nonsignificant

Legal Authority: 49 USC 1603(i)

CFR Citation: 49 CFR 644

Legal Deadline: None.

Abstract: These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79669
To be withdrawn	10/00/87	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Innovative Techniques and Methods 4(i). UMTA will withdraw the NPRM and publish a Circular that will be described in the Federal Register. Until then, however, the NPRM should be used as guidance.

Analysis: Regulatory Evaluation 12/01/80 (45 FR 79669)

Agency Contact: Joseph Goodman, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4995**

RIN: 2132-AA05

2036. MISCELLANEOUS AMENDMENTS - ORGANIZATION, FUNCTIONS, AND PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1657; 49 USC 1659

CFR Citation: 49 CFR 601

Legal Deadline: None.

Abstract: These amendments will reflect modifications in the organization and distribution of functions within the Urban Mass Transportation Administration.

Timetable:

Action	Date	FR Cite
Final Action	11/30/87	

Small Entity: No

Agency Contact: Henry T. Carter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2485**

RIN: 2132-AA06

2037. TECHNOLOGY INTRODUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1602(a)(1)(c)

CFR Citation: 49 CFR 641

Legal Deadline: None.

Abstract: These regulations would implement Section 3(a)(1)(c) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5832
To be withdrawn	10/00/87	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Technology Introduction 3(a)(1)(c). UMTA has decided to withdraw this

DOT—UMTA

Final Rule Stage

rulemaking activity and to issue it as a Circular that will be described in the Notice section of the Federal Register. Until then, the January 19, 1981 NPRM should be used as guidance.

Analysis: Regulatory Evaluation 01/19/81 (46 FR 5832)

Agency Contact: George Izumi, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0220

RIN: 2132-AA07

2038. SECTION 15 REPORTING REQUIREMENTS FOR SECTION 9 APPORTIONMENT GRANTS; PENALTY PROCEDURES FOR NONCOMPLIANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1607; 49 USC 1611

CFR Citation: 49 CFR 630

Legal Deadline: None.

Abstract: This regulation would simplify Part 630 and implement procedures to handle late reporters, missing certifications and deadhead miles in order to provide more timely Section 9 formula apportionments based on the most valid data available.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 17144
NPRM Comment Period End	07/07/86	
Final Action	10/00/87	

Small Entity: No

Additional Information: This NPRM was published on May 7, 1986, with the comment period ending July 7, 1986. A Final Rule will be published in 1987.

Analysis: Regulatory Evaluation 05/07/86 (51 FR 17144)

Agency Contact: Ron Fisher, Director, Information Services, Department of Transportation, Urban Mass Transportation Administration, URT-7, 202 366-9157

RIN: 2132-AA23

2039. ● CAPITAL LEASES

Significance: Nonsignificant

Legal Authority: PL 100-17

CFR Citation: 49 CFR 633

Legal Deadline: Statutory, November 1987.

Abstract: The purpose of this regulation, which implements a statutory provision, is to prescribe procedures and policies governing the eligibility and treatment of certain leases which are determined to be cost-effective as capital rather than operating assistance project under the formula grant program of Section 9 of the UMT Act.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulation Division, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9315, Washington, DC 20590, 202 366-4011

RIN: 2132-AA28

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Completed Actions

2040. + CHARTER BUS OPERATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Legal Deadline: None.

Abstract: These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 USC 1602(f)) on charter bus operations by UMTA recipients.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
NPRM	03/06/86	51 FR 7892
NPRM Comment Period End	06/19/86	51 FR 18966
Final Action	04/13/87	52 FR 11916
Final Action Effective	05/13/87	

Small Entity: Yes

Public Compliance Cost: Initial Cost: $11,322; Yearly Recurring Cost: $10,272

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: Draft Regulatory Analysis 03/06/86 (51 FR 7892); Final Regulatory Analysis 04/13/87 (52 FR 11916)

Agency Contact: Theodore Munter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1936

RIN: 2132-AA04

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Prerule Stage

2041. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None.

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

DOT—RSPA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Suggested terminology is being coordinated with the Technical Pipeline Safety Standards Committee and State agencies in advance of a formal proposal for public comment.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB15

2042. + OST-FAA INFORMATION RULES: STANDARDIZED REGULATORY FLEXIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 298; 14 CFR 399

Legal Deadline: None.

Abstract: The threshold for the aviation-information program for regulatory flexibility analysis is 60 seats or maximum payload of 18,000 pounds or less. Carriers operating aircraft under these limits are considered small carriers. FAA, on the other hand, uses a threshold based on the operational certificate requirements (Part 121 versus Part 135) with the threshold established at 30 seats or maximum payload of 7,500 pounds for a Part 135 certificate. FAA regulatory analysis for safety, congestion, etc., centers around the lower threshold which means much of the aviation economic information that they use has to be manipulated to fit their needs. This proposal of standardizing the threshold within the Department would save considerable resources and would eliminate much confusion in the air transportation industry. Most carriers, especially the newer ones, are familiar with FAA's requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB16

2043. + INDUSTRY TRAINING FOR HAZARDOUS MATERIALS TRANSPORTATION

Significance: Agency Priority

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172 to 177

Legal Deadline: None.

Abstract: This regulation proposes to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/87	

Small Entity: Undetermined

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AB26

2044. ● + HAZARDOUS MATERIALS IN INTRASTATE COMMERCE

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 179

Legal Deadline: None.

Abstract: ANPRM invites comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
ANPRM Comment Period End	09/28/87	

Small Entity: Undetermined

Additional Information: Docket No. HM-200

Agency Contact: John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AB37

2045. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None.

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for all the carriers' on-line passengers. The Department is considering proposing a new traffic and market data system for certificated and foreign air carriers. This system could be used for commuter air carriers, providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB18

DOT—RSPA

Prerule Stage

2046. REVISION OF OPERATING PROCEDURES FOR MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 177

Legal Deadline: None.

Abstract: Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 261-78

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA07

2047. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 176

Legal Deadline: None.

Abstract: Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 279-78

Agency Contact: H. Mitchell/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA10

2048. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None.

Abstract: The Department is considering proposing exceptions from the regulations for private carriers which are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 298-82.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AA28

2049. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering addressing the possibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 300-83.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AA29

2050. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering this proposal to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 291-80.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AA30

2051. DOT SPECIFICATION 51 PORTABLE TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178.245; 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering revising the requirements for DOT Specification 51 Portable Tanks. Consideration will also be given to adopting certain provisions of the recommendations of the United Nations and the International Maritime Organization.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 302-83.

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA36

2052. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None.

Abstract: Would eliminate existing Specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-23.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA63

2053. REVISION OF THE IM TANK TABLE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The proposed rule would revise the IM Tank Table by incorporating interim approvals which have been granted since 1981.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-167A

Agency Contact: Lee Jackson/Charles Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590 **202 366-4488**

RIN: 2137-AA64

2054. REWRITE AND RECODIFICATION OF SECTION 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173.34

Legal Deadline: None.

Abstract: The recodification and rewrite of Sec. 173.34 would provide industry with regulations set up by the functions to be performed. It is anticipated that the rewrite would provide a more simplified and readable regulation. The proposal would include the consolidation of DOT specification seamless steel and aluminum cylinders (Project 123-71) and the requalification, maintenance, and use requirements which will be provided under the new Part 180.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project No. 305-83

Agency Contact: M. Morris, Technical Staff, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA73

2055. AIRLINE REVENUE/NONREVENUE, FIRST CLASS/COACH PASSENGERS: REVISED DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in section 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air-fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of new air fares in the marketplace, these definition may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AB00

2056. SUBSIDIZED COMMUTER CARRIERS AND FOREIGN AIR CARRIERS: RECORDS AND RETENTION PERIODS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None.

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; require foreign air carriers submitting traffic and market data to retain records in support of their submissions; modify or eliminate several of the records prescribed for retention by public charter operators and overseas operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AB04

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Proposed Rule Stage

2057. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178

Legal Deadline: None.

Abstract: To develop performance-oriented packaging standards and hazardous material classification based on the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/82	47 FR 16268
Correction Document and Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/16/82	47 FR 40816
NPRM	05/05/87	52 FR 16482
NRPM Comment Period extended to 2/26/88	09/08/87	52 FR 33906

Small Entity: No

Additional Information: Docket No. HM-181. NPRM published 5/5/87. Comment period extended to 2/26/88.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 03/01/87

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA01

2053. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM FOREIGN AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 217; 14 CFR 241

Legal Deadline: None.

Abstract: DOT is proposing a rule that would require submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to evaluate existing bilateral agreements and reciprocity between U.S. and foreign countries. In addition international charter data currently collected from carriers may also be incorporated with reporting. This nonstop market data should replace much of the data currently collected by the Immigration and Naturalization Service (INS) on Form I-92. Although there will be some start-up costs, it is anticipated that over the long run there will be substantial savings for both the industry and the government. See 2137-AB01 for companion rule for U.S. air carriers.

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	52 FR 26498
NPRM Comment Period extended to 10/14/87	09/15/87	52 FR 34889
Final Action	01/01/88	

Small Entity: No

Affected Sectors: 45 Transportation by Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AA97

2059. + ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: As part of the continuing effort to align the DOT's aviation accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most air carriers.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	
NPRM Comment Period End	01/01/88	
Final Action	03/31/88	

Small Entity: No

Affected Sectors: 45 Transportation by Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AA99

2060. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM U.S. AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: Large U.S. air carriers file detailed service segment data in ADP format for scheduled operations, while smaller carriers file a condensed version on a hardcopy form. Charter data is filed on another form. The Department will issue a rulemaking proposing to incorporate all three systems onto one automated data system by standardizing the reporting between scheduled and charter

operations. Much of the data currently collected will be proposed for elimination. Also, much of the data reported on the hardcopy Form 41 T-Schedules can be eliminated, since data for these schedules can be extracted from the automated system. Further, the foreign air carrier traffic and market reporting (2137-AA97) will be incorporated into this automated system providing a uniform traffic and market system for the Department.

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	52 FR 26498
NRPM Comment Period extended to 10/14/87	09/15/87	52 FR 34889
Final Action	01/01/88	

Small Entity: No

Affected Sectors: 45 Transportation by Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB01

2061. + CONFIDENTIALITY OF PARTS 241 AND 298 AIRLINE REPORTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 241; 14 CFR 298

Legal Deadline: None.

Abstract: This rule would consider whether some components of individual carrier's reports submitted under Parts 241 and 298 should be kept confidential and for how long.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	
NPRM Comment Period End	02/28/88	
Final Action Effective	01/01/89	

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB05

2062. + STATE PIPELINE SAFETY INSPECTOR STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2004; 49 USC 1674

CFR Citation: 49 CFR 190

Legal Deadline: None.

Abstract: This action will propose standards for State personnel who engage in compliance activities under the Federal/State cooperative pipeline safety program. Members of Congress and the Department's pipeline safety advisory committees support this initiative to obtain uniformity and competency in carrying out the nationwide pipeline safety enforcement program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: C. DeLeon, Assistant Director for Regulations, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-1640

RIN: 2137-AB28

2063. + RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: Proposed consolidation and revision of the regulations on the classification and packaging of explosives, and the alignment of these regulations with the recommendations of the United Nations Committee of experts on the transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Docket No. HM-181B

Agency Contact: Charles Ke/H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA93

2064. + PROPOSALS FOR PIPELINE SAFETY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None.

Abstract: This action sets forth various pipeline program options and requests public comment. Topics range from line marking to enhanced public education. The comments will be considered in determining the future course of action with respect to the pipeline program.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/87	52 FR 4361
ANPRM Comment Period End	03/30/87	52 FR 4361
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: B. Liebler, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4560

RIN: 2137-AB27

2065. ● + PIPELINE OPERATOR QUALIFICATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None.

Abstract: The competency of operator personnel has been questioned by State agencies and a Congressional

committee. This action explores the need for government action, and if action is needed, whether it should be taken by Federal, State, or local governments. Comments are also sought on the alternatives of additional regulations directed toward personnel training and testing or certification of personnel either by operators or government agencies.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2036**

RIN: 2137-AB38

2066. REVIEW: CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: The Department will propose revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 123-71)

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	

Small Entity: No

Agency Contact: James O'Steen, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AA92

2067. DEFINITION OF A FLAMMABLE SOLID

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Notice of Proposed Rulemaking would propose new standards for classifying a material as a flammable solid. This rule was previously a part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of this ANPRM on May 7, 1981 (46 FR 25492).

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492
NPRM	12/00/87	

Small Entity: No

Additional Information: Docket No. HM-178

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4496**

RIN: 2137-AA05

2068. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: Development of new standards for classifying a material as an oxidizing material.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-179

Agency Contact: M. Morris/C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA11

2069. EMERGENCY RESPONSE COMMUNICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None.

Abstract: This proposal solicits comments on the potential benefits and consequences of requiring additional emergency response information on shipping papers and in vehicles when transporting hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048
NPRM	08/20/87	52 FR 31486
NPRM Comment Period extended to 12/22/87	09/04/87	52 FR 33611

Small Entity: Yes

Additional Information: HM-126C

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-4415**

RIN: 2137-AA88

2070. COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None.

Abstract: DOT is proposing to collect basic financial information from the commuter carriers providing scheduled passenger service. Data would be used for fitness reviews; various economic analyses such as trust-fund revenue generation; airport and airways development; econometric modeling and regulatory cost-benefit analysis to aid aviation policy and regulatory decisions; and FAA's allocation planning for its inspection resources.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
NPRM Comment Period End	12/01/87	

Small Entity: No

DOT—RSPA

Proposed Rule Stage

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AA98

2071. EXCEPTION FROM PRESSURE TESTING NON-WELDED TIE-IN JOINTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.503(d)

Legal Deadline: None.

Abstract: The current exception from pressure testing welded tie-in joints would be expanded to include all types of tie-in joints. This change would be consistent with the intent of the original rule and would have minimal cost impact.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Petition P-20; New England Gas Association; January 27, 1983

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137-AB19

2072. CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE; ALTERNATE METHOD

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.611(a)

Legal Deadline: None.

Abstract: This action proposes an alternate method for confirmation or revision of the maximum allowable operating pressure of pipe - lines previously tested to less than 90 percent of specified minimum yield strength. The alternate method would allow operators to establish a maximum allowable operating pressure in proportion to the level permitted for pipelines tested to 90 percent of specified minimum yield strength, or more, without retesting the pipeline. Considerable cost savings are expected.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Additional Information: Petition P-29, Gas Piping Technology Committee

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137-AB20

2073. TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: Various clarifying and editorial changes would be made to the gas pipeline safety standard. Minimal cost and benefits are expected.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Petition P-15; New England Gas Association; June 19, 1981

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137-AB22

2074. REPORTING UNSAFE CONDITIONS ON GAS AND HAZARDOUS LIQUID PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672(a); 49 USC 2002(a)

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: Statutory, October 22, 1987. PL 99-516 (10/22/86)

Abstract: Operators would be required to report within five days of discovery any condition that could be an imminent danger or affect pipeline operational safety. The report would enable State and Federal agencies to investigate promptly. Few reports are expected, and the cost impact would be minimal.

Timetable:

Action	Date	FR Cite
NPRM	09/25/87	52 FR 36068
NPRM Comment Period End	11/09/87	

Small Entity: No

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-2392**

RIN: 2137-AB23

2075. DELETION OF STANDARDS AFFECTING IRON AND COPPER PIPE AND OTHER MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: This action proposes to delete the existing incorporation by reference of various documents intended for use in the design of gas pipelines. The materials to which the documents pertain are no longer generally used for gas pipelines so that reference to the documents can be deleted without affecting safety.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/87	52 FR 21087
ANPRM Comment Period End	08/03/87	52 FR 21087
NPRM	10/00/87	

Small Entity: No

Additional Information: Docket No. PS-95

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh

DOT—RSPA

Proposed Rule Stage

Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB24

2076. ● ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 387

Legal Deadline: None.

Abstract: This notice solicits comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR Part 387.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116
ANPRM Comment Period End	08/18/87	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. HM-199

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4484

RIN: 2137-AB35

2077. ● STANDARDS FOR CONSTRUCTION OF FIREWORKS AND APPROVAL FOR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171; 49 CFR 173

Legal Deadline: None.

Abstract: Proposes to eliminate a requirement for examination of fireworks prior to their approval for transportation by the Director, Office of Hazardous Materials Transportation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Christine E. Whitney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4515

RIN: 2137-AB36

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Final Rule Stage

2078. + REQUIREMENTS FOR CARGO TANKS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Legal Deadline: None.

Abstract: The rule would modify cargo tank specifications in section 178.337-178.343 to improve clarity, quality control and safety and to provide for the manufacture of vacuum-loaded cargo tanks. It would also provide inspection, test, maintenance, repair, and requalification standards for cargo tanks. This rulemaking is being performed in conjunction with the FHWA.

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37767
Corrections and Clarifications	12/05/85	50 FR 49866
NPRM Comment Period End	05/22/86	
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: Docket Nos. HM-183, 183A.

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37767)

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA42

2079. + DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Legal Deadline: None.

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042
NPRM	03/27/87	52 FR 9996
NPRM Comment Period End	07/29/87	
Final Action	10/00/87	

Small Entity: No

Additional Information: Docket HM-36B.

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA51

2080. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

DOT—RSPA

Final Rule Stage

CFR Citation: 49 CFR 178

Legal Deadline: None.

Abstract: Proposal would result in ending of permitting "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	41 FR 1179

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA08

2081. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None.

Abstract: NPRM solicited comments on the benefit of requiring LP gas to be odorized. Odorization would enhance its identification during transportation in commerce. Comments to the NPRM indicated that further study should be made before proceeding to a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-126E

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA25

2082. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
NPRM	06/03/86	51 FR 19866
NPRM Comment Period End	09/04/86	51 FR 27223
Periodic Update	04/20/87	52 FR 13034

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. HM-166.

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10780)

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA44

2083. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

Significance: Nonsignificant

Legal Authority: 49 USC 178; 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None.

Abstract: This rulemaking responds to a Department of Energy request that we improve the water resistance of overpacks used in the transportation of enriched uranium hexafluoride.

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period End	09/12/84	
Final Action	03/01/88	

Small Entity: No

Additional Information: Docket No. HM-190.

Analysis: Regulatory Evaluation 08/16/84 (49 FR 32774)

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AA72

2084. LIMITATION ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None.

Abstract: Proposes the removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible location.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entity: No

Additional Information: Further action to be determined based on NPRM comments.

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Agency Contact: Ann Boylan, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA85

2085. HAZARDOUS MATERIALS: URANIUM HEXAFLUORIDE

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 172.101; 49 CFR 173.420

Legal Deadline: None.

Abstract: RSPA proposes to incorporate the existing industry packaging standards for Uranium Hexafluoride (UF6), specifically, American National Standards Institute Standard N 14.1 - 1982, into the Hazardous Materials Regulations (49 CFR Parts 100-179). Additionally, the requirement that UF6

be shipped in solid form is believed necessary to reduce the possibility of packaging failure and/or accidental release of UF6 during transportation. Because of the safety record exhibited by packagings filled and maintained in accordance with the ANSI Standard, development of new standards would be impractical. Incorporation of existing standards believed to be currently followed by industry is the most cost-effective method of establishing Federal standards and increasing conformity and safety in transportation of UF6. In response to numerous petitions for reconsideration from industry dealing with the use of existing packagings, the Department will reopen this specific issue in the new NPRM.

Timetable:

Action	Date	FR Cite
NPRM	04/11/86	51 FR 12529
NPRM Comment Period End	07/01/86	51 FR 12529
Interim Final Rule	11/18/86	51 FR 41631
Revision to Final Rule	12/24/86	51 FR 46674
Emergency Final Rule	03/12/87	52 FR 7581
NPRM New	07/06/87	52 FR 25342
Revision to Final Rule	07/06/87	52 FR 25340

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-166V

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AB10

2086. ● MOLTEN SULFUR; MOLTEN MATERIALS GENERALLY

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: RSPA is proposing to regulate molten sulfur as a hazardous material and make it subject to the hazardous warning communications requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/21/86	51 FR 42114
NPRM Comment Period End	02/19/87	51 FR 42114
Final Action	10/00/87	

Small Entity: No

Additional Information: Docket No. HM-198

Agency Contact: John Potock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, NW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AB31

2087. ● STATE DESIGNATIONS OF ALTERNATIVE ROUTES FOR RADIOACTIVE MATERIALS TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 177

Legal Deadline: None.

Abstract: Proposes to amend the Hazardous Materials Regulations to require that when a State routing agency designates an alternative route for the transportation of highway route controlled quantities of radioactive materials, the State must give written notice of such designations to RSPA. The creation of a repository for these designations would provide shippers, carriers, enforcement and emergency-response personnel, State agencies, local governments, and RSPA with definitive information concerning those alternative routes.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26928
NPRM Comment Period End	08/31/87	52 FR 26928
Final Action	10/00/87	

Small Entity: No

Additional Information: Docket No. HM-164A

Agency Contact: John Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AB32

2088. ● NOTIFICATION TO RSPA OF ROUTE PLANS FOR RADIOACTIVE MATERIALS TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None.

Abstract: Proposes to require carriers, rather than shippers, to give written notice to RSPA of route plans and other information relating to transportation of highway route controlled quantities of radioactive materials.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26932
NPRM Comment Period End	08/31/87	52 FR 26932
Final Action	10/00/87	

Small Entity: No

Additional Information: Docket No. HM-164B

Agency Contact: John Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AB33

2089. ● REAR BUMPERS ON CARGO TANK TRUCKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: Proposes to provide a period of 36 months to allow operators of cargo tank trucks operated in combination with cargo tank full trailers to modify their front units by adding the required rear bumper.

This rulemaking is being performed in conjunction with the FHWA.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28605
NPRM Comment Period End	09/22/86	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. HM-183B

DOT—RSPA

Final Rule Stage

Agency Contact: James O'Steen/D. Billings (FWHA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AB34

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions

2090. + REVIEW OF THE FORM 41 REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: OMB stated that the continuation of uniform, detailed financial and operating reporting of domestic air transportation appears to be contrary to airline deregulation. This final rule concluded that certain domestic Form 41 data is still needed by the Department. This rule eliminated three schedules and over 30 percent of the data elements contained in the Form 41 report. Operating expenses are to be reported by cost pools instead of by function and objective account.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	08/23/85	50 FR 34366
NPRM Comment Period End	10/22/85	
Final Action	03/23/87	52 FR 9122
Final Action Effective	07/01/87	

Small Entity: No

Affected Sectors: 45 Transportation by Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA96

2091. + CONFIDENTIAL TREATMENT: AVIATION ECONOMICS - RELATED MATERIAL

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1482

CFR Citation: 14 CFR 302

Legal Deadline: None.

Abstract: This rule would have revised the procedures governing requests for confidential treatment of material filed with the Department to clarify the relation between those procedures and the Freedom of Information Act.

Because the requests are few in number and infrequent, it was determined that a rulemaking is not warranted. Therefore, the project was terminated on 6/1/87.

Timetable:

Action	Date	FR Cite
Project terminated	06/01/87	

Small Entity: No

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4484

RIN: 2137-AB02

2092. + PERFORMANCE-ORIENTED CLASSIFICATION AND PACKAGING STANDARDS FOR EXPLOSIVES AND BLASTING AGENTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177; 49 CFR 178

Legal Deadline: None.

Abstract: This rulemaking would amend the Hazardous Materials Regulations (HMR) pertaining to Explosives and Blasting Agents to incorporate features found in the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite
Removed from Agenda because it duplicates 2137-AA93	06/22/87	

Small Entity: Undetermined

Agency Contact: Charles H. Ke, Chemist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4495

RIN: 2137-AB25

2093. CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE NEAR CERTAIN OCCUPIED BUILDINGS OR OUTSIDE AREAS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.5(d)(2)

Legal Deadline: None.

Abstract: This rule amends the criteria requiring operators to confirm or revise the maximum allowable operating pressure of a pipeline, when a building or recreational area that will be used infrequently is constructed near the pipeline.

Timetable:

Action	Date	FR Cite
ANPRM	09/05/85	50 FR 36116
ANPRM Comment Period End	01/03/86	50 FR 45845
NPRM	08/18/86	51 FR 29504
NPRM Comment Period End	11/17/86	51 FR 29504
Final Action	09/01/87	52 FR 32924
Final Action Effective	10/01/87	

Small Entity: No

Additional Information: Docket No. PS-84

Analysis: Regulatory Evaluation 09/18/86 (51 FR 29504)

DOT—RSPA

Completed Actions

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AA62

2094. GAS PIPELINE DAMAGE PREVENTION PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.614

Legal Deadline: None.

Abstract: Current damage-prevention program requirements are revised so that pipeline operators will not have to take any action when notified of excavations in areas that do not contain buried gas pipelines.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49575
NPRM Comment Period End	02/03/86	50 FR 49575
Final Action	08/31/87	52 FR 32798
Final Action Effective	09/30/87	52 FR 32798

Small Entity: No

Additional Information: Docket No. PS-88

Analysis: Regulatory Evaluation 12/03/85 (50 FR 49575)

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AA71

2095. BULK PACKAGINGS AND MISCELLANEOUS RULE CHANGES

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: Prescribes marking requirements for bulk packagings and bulk transport vehicles that are not portable tanks, cargo tanks or tank cars. A definition for bulk packaging is provided. Also included are five minor revisions pertinent to marking, to correct, clarify, and enhance compliance with the communication regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Comment Period End	12/28/84	49 FR 38164
Final Action	08/10/87	52 FR 29526
Final Action Effective	02/01/88	

Small Entity: No

Additional Information: Docket No. HM-126D.

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA90

2096. FIRE PROTECTION AND SECURITY OF LIQUEFIED NATURAL GAS FACILITIES

Significance: Nonsignificant

Legal Authority: 49 USC 1674a

CFR Citation: 49 CFR 2801; 49 CFR 2901

Legal Deadline: None. 49 USC 1674a(b)

Abstract: The action extends the scope of existing regulations for fire protection and security of liquefied natural gas facilities to cover facilities at waterfront plants except facilities used in marine cargo transfer and facilities located in navigable waters. Minimal costs and benefits are expected, but action complies with statutory mandate for regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 18007
NPRM Comment Period End	08/14/86	51 FR 18007
Final Action	01/08/87	52 FR 674
Final Action Effective	01/08/88	52 FR 674

Small Entity: No

Additional Information: (Docket No. PS-89) Fire protection and security of marine cargo transfer facilities and facilities in navigable waters are to be regulated by the U.S. Coast Guard under a memorandum of understanding governing waterfront plants.

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2392

RIN: 2137-AB13

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Maritime Administration (MarAd)

2097. + REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Agency Priority

Legal Authority: 46 USC 1295

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: The Maritime Administration provides support to six State maritime schools for maritime education. The Federal support is outlined in agreements that have been executed between MARAD and the schools. The existing regulations will be revised to reflect changes in these agreements due to decreased federal support.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 822 Colleges, Universities, Professional Schools, and Junior Colleges

Government Levels Affected: State, Federal

DOT—MarAd

Prerule Stage

Agency Contact: Arthur W. Friedberg, Director, Office of Maritime Labor & Training, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5755

RIN: 2133-AA57

2098. + PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1156

CFR Citation: 46 CFR 250

Legal Deadline: None.

Abstract: This regulation now establishes conditions for MARAD approval of tanker vessels over 100,000 dwt built with CDS, for participation in the carriage of Alaskan oil from Alaska to the Panama Canal. MARAD is reassessing the need for this regulation in light of the experience in administering its provisions, its policy of allowing total repayment of CDS (46 CFR Part 276) and litigation challenging these policies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Frances Olsen, Chief, Division of Trade Studies, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2282

RIN: 2133-AA62

2099. STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION HEARINGS

Significance: Nonsignificant

Legal Authority: 46 USC 1175

CFR Citation: 46 CFR 207

Legal Deadline: None.

Abstract: Rulemaking would propose procedures that would assist preparation of standard forecasts of liner cargo (if a Final Rule covering ODS application hearing procedures is issued) in which forecast procedures would be included.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Further action dependent on disposition of RIN 2133-AA20.

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2400

RIN: 2133-AA16

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Proposed Rule Stage

2100. + APPROVAL OF MARINE HULL UNDERWRITERS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1279(b)

CFR Citation: 46 CFR 299, (New)

Legal Deadline: None.

Abstract: This notice of proposed rulemaking would establish MARAD's criteria for accepting an organization as an underwriter on any policy of insurance covering vessels under Title XI and Title VI programs or other MARAD administered aid programs.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41531
ANPRM Comment Period End	11/12/85	
Public meeting	04/17/86	
NPRM	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/01/87

Agency Contact: William B. Ebersold, Maritime Aids Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8126, Washington, DC 20590, 202 366-0364

RIN: 2133-AA50

2101. + CARGO PREFERENCE - IMPLEMENTATION OF P.L. 99-198

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381

Legal Deadline: None.

Abstract: These amendments to the existing cargo-preference regulations will implement S1142 of P.L. 98-198, the Food Security Act of 1985, that clarifies the applicability of cargo-preference requirements to the shipment of U.S. agricultural products. It provides for an increase in the required percentage of carriage on U.S.-flag vessels of agricultural commodities not specifically exempted from cargo-preference requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight

Government Levels Affected: Federal

Analysis: Draft Evaluation 10/00/87

Agency Contact: Lewis C. Paine, Director, Office of Market Development, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5517

RIN: 2133-AA55

2102. REVIEW: WAR RISK INSURANCE

Significance: Nonsignificant

Legal Authority: 46 USC 1283

CFR Citation: 46 CFR 308

Legal Deadline: None.

Abstract: MARAD is considering whether to expand eligibility for War Risk Insurance to foreign flag vessels other than those documented under the

laws of Panama, Liberia or Honduras, that are effectively U.S.-controlled vessels.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Affected Sectors: 44 Water Transportation; 633 Fire, Marine, and Casualty Insurance

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2400

RIN: 2133-AA54

2103. RULES OF PRACTICE AND PROCEDURES FOR HEARING IN ODS APPLICATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 201; 46 CFR 208; 46 CFR 251

Legal Deadline: None.

Abstract: Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208, that would establish a standard discovery order and standard techniques for forecasting the adequacy of U.S.-flag liner service in hearings required under the Merchant Marine Act, 1936.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2400

RIN: 2133-AA20

2104. ● REQUIREMENTS FOR CONDUCTING VESSEL SUBSIDY CONDITION SURVEYS AND FOR ACCOMPLISHING SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b); 46 USC 1173

CFR Citation: 46 CFR 272

Legal Deadline: None.

Abstract: MARAD is considering a proposal to amend its regulations concerning the requests for conducting condition surveys of subsidized vessels and accomplishing subsidized maintenance and repairs, in order to conform the regulations to reflect existing procedures of the agency and to advise the public of MARAD organizational changes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight

Government Levels Affected: Federal

Agency Contact: John J. Davis, Chief, Div. of Ship Management, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, 202 366-5776

RIN: 2133-AA64

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Final Rule Stage

2105. + CARGO PREFERENCE U.S.-FLAG VESSELS; DETERMINATION OF FAIR AND REASONABLE RATES FOR LINER VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None.

Abstract: Regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo at the request of concerned Federal agencies. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5012
Final Action	10/00/87	

Small Entity: No

Analysis: Final Regulatory Evaluation 10/00/87

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA02

2106. + CARGO PREFERENCE, U.S.-FLAG VESSELS: DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None.

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. MARAD would calculate guideline fair and reasonable rates using a methodology which would base those rates on a vessel's actual or constructed costs as determined from data submitted by the operator. It would

establish requirements for submission of data on which the methodology would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
NPRM Supplemental	12/17/86	51 FR 45135
Final Action	12/00/87	

Small Entity: No

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN = 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight

Analysis: Supplemental Draft Evaluation 12/17/86 (51 FR 45135)

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA43

2107. + CARGO PREFERENCE, U.S.-FLAG VESSELS: EVALUATION OF BIDS FOR SUBSIDIZED LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381.8

Legal Deadline: None.

Abstract: This regulation would establish procedures governing the evaluation by U.S. shipper agencies of bids from subsidized U.S.-flag-liner vessel operators for the carriage of open rated civilian and military preference cargoes.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5015
Final Action	12/00/87	

Small Entity: No

Additional Information: On 11/11/84, MARAD issued a final rule setting forth procedures governing the evaluation by shipper agencies of bids from U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes.

Government Levels Affected: Federal

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA52

2108. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Significance: Nonsignificant

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295, (New)

Legal Deadline: None.

Abstract: These regulations would implement Sec. 1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new Sec. 614 to the Merchant Marine Act, 1936 (46 App. U.S.C. 1184).

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
To Be Withdrawn	10/01/87	

Small Entity: No

Additional Information: NPRM being withdrawn because the Maritime Subsidy Board final Opinion and Order in Docket S-764, that does not require CDS repayment for bulk vessels carrying preference cargoes, is a more attractive alternative for operators than ODS suspension that requires CDS repayment. Also, operator of only liner vessels to make election is in bankruptcy.

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2256

RIN: 2133-AA17

2109. MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 326

Legal Deadline: None.

Abstract: These amendments would reflect existing Maritime Administration (MARAD) practices, office names and addresses concerning the handling of marine protection insurance (P&I) claims by Agents under Agreements with the United States, acting by and through the Director, National Shipping Authority in MARAD, with respect to vessels under MARAD control in the National Defense Reserve Fleet.

Timetable:

Action	Date	FR Cite
NPRM	05/14/86	51 FR 17659
NPRM Comment Period End	07/14/86	
Final Action	10/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2400

RIN: 2133-AA51

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Completed Actions

2110. + NOTICE OF INTENT TO REDESIGNATE ESSENTIAL TRADE ROUTES

Significance: Regulatory Program

Legal Authority: 46 USC 1121

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The MARAD Administrator has redesignated trade routes determined to be essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States, under authority in the Merchant Marine Act, 1936. There have been no substantial changes in essential trade route designations since the Act's enactment, other than inclusion of the U.S. Great Lakes. This action recognizes that in recent years major changes in shipping technology and U.S. trade patterns have emerged. It consolidated the former 29 essential trade routes and essential trade areas into fewer essential trade areas.

Timetable:

Action	Date	FR Cite
Notice of Intent to Redesignate Essential Trade Routes	03/08/85	50 FR 9532
Public Comment Period Begins	03/08/85	
Public Comment Period Ends	05/15/85	50 FR 16036
Final Action	05/12/87	
Final Action Effective	05/12/87	52 FR 17879

Small Entity: No

Additional Information: It reflects the current pattern of vessel operations. It contemplates amendments to the Operating-Differential Subsidy Agreement for a subsidized operator upon request made to the Maritime Subsidy Board. A detailed discussion of the factors supporting this action is contained in a study of the Agency, Reevaluation of U.S.-Liner Trade Routes. This study is available upon request, as is an economic review.

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, **202 366-2400**

RIN: 2133-AA44

2111. + CONSTRUCTION-DIFFERENTIAL SUBSIDY REPAYMENT

Significance: Regulatory Program

Legal Authority: 46 USC 1114(b); 46 USC 1117; 46 USC 1204; 46 USC 1156

CFR Citation: 46 CFR 276.3

Legal Deadline: Judicial, July 16, 1987.

Abstract: The Department issued a rule in 1985 allowing vessels built with construction-differential subsidy (CDS) to repay that CDS in exchange for permission to operate in the domestic trade. Section 506 of the Merchant Marine Act of 1936, as amended, prohibits CDS vessels from operating in the domestic trade. The court delayed the effective date of its order to vacate the rule until July 16, 1987, to allow the Department to undertake further proceedings to address the problems of the merchant-marine trade. The Department initiated a rulemaking proceeding to replace the vacated rule by the court's deadline. This rulemaking addressed the decision by U.S. Court of Appeals for the District of Columbia which vacated the Department's CDS Repayment rule (50 FR 19170, May 7, 1985.)

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	05/15/87	52 FR 12199
Final Action	06/22/87	
Final Action Effective	06/22/87	52 FR 23522

Small Entity: No

Affected Sectors: 442 Deep Sea Domestic Transportation of Freight

Agency Contact: Lynne Adams-Whitaker, Chief, Division of Regulations, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5181**

RIN: 2133-AA61

2112. REVIEW OF ALL MARAD PROGRAM REGULATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR Chapter II

Legal Deadline: None.

Abstract: MARAD reviewed its regulations in their entirety to identify regulations that are obsolete, or which need updating. Revisions or deletions will be handled by separate rulemaking by subject.

Timetable:

Action	Date	FR Cite
End Review	06/30/87	

Small Entity: No

Affected Sectors: 373 Ship and Boat Building and Repairing; 441 Deep Sea Foreign Transportation of Freight

Agency Contact: Harris L. Kane, Attorney-Adviser, Office of Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 7221, Washington, DC 20590, **202 366-5181**

RIN: 2133-AA56

2113. DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS; AMENDMENT OF PROCESSING PROCEDURES FOR CERTAIN APPLICATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 808; 46 USC 835; 46 USC 839; 46 USC 841a

CFR Citation: 46 CFR 221

Legal Deadline: None.

Abstract: Final rule amended the regulation that imposes fees for processing applications for MARAD approval of the sale, transfer or charter to noncitizens of vessels owned by U.S. citizens and documented under U.S. law, or the transfer of such vessels to foreign registry. This amendment will allow MARAD to reduce any fee, or waive the fee entirely, in appropriate circumstances.

Timetable:

Action	Date	FR Cite
Final Action	03/03/87	
Final Action Effective	04/02/87	52 FR 6329

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Government Levels Affected: Federal

Agency Contact: Jessie Fernanders, Ship Disposal Foreign Transfer Officer, Department of Transportation, Maritime Administration, 400 Seventh Street, SW,

Room 2112, Washington, DC 20590, **202 366-5111**

RIN: 2133-AA59

2114. REGULATIONS GOVERNING PUBLIC BUILDINGS AND GROUNDS AT THE U.S. MERCHANT MARINE ACADEMY

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 386, New

Legal Deadline: None.

Abstract: MARAD adopted new regulations to enhance the security of buildings and grounds at the U.S. Merchant Marine Academy, located at Kings Point, New York, as well as the security of persons entering in or on such property. MARAD has the responsibility for operating the Academy, pursuant to authority delegated by the General Services Administration and the Secretary of Transportation. The regulations also confirm the appointment of special police for the protection of buildings, grounds and equipment at the Academy.

Timetable:

Action	Date	FR Cite
NPRM	02/11/87	52 FR 4357
NPRM Comment Period End	03/30/87	52 FR 4357
Final Action	06/08/87	
Final Action Effective	07/08/87	52 FR 21534

Small Entity: No

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges

Government Levels Affected: State, Federal

Agency Contact: John J. White, Logistics Management Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 7225, Washington, DC 20590, **202 366-2812**

RIN: 2133-AA60

2115. ● ADMISSION AND TRAINING OF MIDSHIPMEN AT THE UNITED STATES MERCHANT MARINE ACADEMY; PAY INCREASE

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b); 46 USC 1295 to 1295g

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: MARAD is amending its regulations on merchant marine training to set the rate of pay that midshipmen at the United States Merchant Marine Academy (USMMA) receive while assigned to U.S.-flag merchant vessels for their one year of at-sea training to be the same as the monthly salary rate received by cadets/midshipmen at the other Federal academies. This will eliminate the need to amend these regulations periodically following a pay increase for cadets/midshipmen at the other Federal academies. The rulemaking was expedited to effect comparability in pay since the cadets/midshipmen at the other Federal academies have been receiving pay raises since the beginning of 1987.

Timetable:

Action	Date	FR Cite
Final Action	06/08/87	52 FR 21533
Final Action Effective	06/08/87	

Small Entity: No

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges; 829 Schools and Educational Services, Not Elsewhere Classified

Agency Contact: Mr. Crawford Ellerbe, Program Analyst, Department of Transportation, Maritime Administration, 400 Seventh Street, SW - Room 7302B, Washington, DC 20590, **202 366-2643**

RIN: 2133-AA63

[FR Doc. 87-22218 Filed 10-23-87; 8:45 am]

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Price	Revision Date
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3 (1986 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 Parts:		
1-1199	25.00	Jan. 1, 1987
1200-End, 6 (6 Reserved)	9.50	Jan. 1, 1987
7 Parts:		
0-45	25.00	Jan. 1, 1987
46-51	16.00	Jan. 1, 1987
52	23.00	Jan. 1, 1987
53-209	18.00	Jan. 1, 1987
210-299	22.00	Jan. 1, 1987
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700-899	22.00	Jan. 1, 1987
900-999	26.00	Jan. 1, 1987
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1900-1944	25.00	Jan. 1, 1987
1945-End	26.00	Jan. 1, 1987
8	9.50	Jan. 1, 1987
9 Parts:		
1-199	18.00	Jan. 1, 1987
200-End	16.00	Jan. 1, 1987
10 Parts:		
0-199	29.00	Jan. 1, 1987
200-399	13.00	Jan. 1, 1987
400-499	14.00	Jan. 1, 1987
500-End	24.00	Jan. 1, 1987
11	7.00	Jan. 1, 1986
12 Parts:		
1-199	11.00	Jan. 1, 1987
200-299	27.00	Jan. 1, 1987
300-499	13.00	Jan. 1, 1987
500-End	27.00	Jan. 1, 1987
13	19.00	Jan. 1, 1987
14 Parts:		
1-59	21.00	Jan. 1, 1987
60-139	19.00	Jan. 1, 1987
140-199	9.50	Jan. 1, 1987
200-1199	19.00	Jan. 1, 1987
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15 Parts:		
0-299	10.00	Jan. 1, 1987
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0-149	12.00	Jan. 1, 1987
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17 Parts:		
1-199	14.00	Apr. 1, 1987
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1-149	15.00	Apr. 1, 1987
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400-End	8.50	Apr. 1, 1987
19 Parts:		
1-199	27.00	Apr. 1, 1987
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1-99	12.00	Apr. 1, 1987
100-169	14.00	Apr. 1, 1987
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§§ 1.61-1.169	22.00	Apr. 1, 1987
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*1927–End	23.00	July 1, 1987
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1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[5] July 1, 1984
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101	23.00	July 1, 1987
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20–39	18.00	Oct. 1, 1986
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80–End	20.00	Oct. 1, 1986
48 Chapters:		
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1 (Parts 52–99)	16.00	Oct. 1, 1986
2	27.00	Dec. 31, 1986
3–6	17.00	Oct. 1, 1986
7–14	23.00	Oct. 1, 1986
15–End	22.00	Oct. 1, 1986
49 Parts:		
1–99	10.00	Oct. 1, 1986
100–177	24.00	Oct. 1, 1986
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200–399	17.00	Oct. 1, 1986
400–999	21.00	Oct. 1, 1986
1000–1199	17.00	Oct. 1, 1986
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50 Parts:		
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[6] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.

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BOOK 2:
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Federal Register

Monday
October 26, 1987

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Departmental Offices regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the agenda, contact Richard S. Carro, Director, Office of Legislation, Litigation, and Regulation, Office of the General Counsel, Room 1422, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 566-2558, not a toll-free call.

SUPPLEMENTARY INFORMATION: The semiannual agenda of the Departmental Offices includes the Office of the General Counsel and the Office of Revenue Sharing.

Dated: August 28, 1987.

Robert B. Zoellick,

Executive Secretary.

Departmental Offices—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2116	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service	1505-AA17
2117	31 CFR 103 Bank Secrecy Act Reporting Requirements of the United States Postal Service	1505-AA27

Departmental Offices—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2118	31 CFR 103 Disclosure of Bank Secrecy Act Data	1505-AA25

Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2119	31 CFR 1 Disclosure of Records	1505-AA01
2120	17 CFR 4 Implementing Regulations; Government Securities Act of 1986	1505-AA21
2121	31 CFR 103 Administrative Ruling System under the Bank Secrecy Act Regulations	1505-AA26

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Proposed Rule Stage

2116. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None.

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to 11/13/86	08/27/86	51 FR 30510

TREAS—DO **Proposed Rule Stage**

Action	Date	FR Cite
NPRM Comment Period End	10/14/86	51 FR 29113
Extend public comment period to 02/13/87	11/06/86	51 FR 40340

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 535-6787**

RIN: 1505-AA17

2117. ● BANK SECRECY ACT REPORTING REQUIREMENTS OF THE UNITED STATES POSTAL SERVICE

Legal Authority: 12 USC 1892b; 12 USC 1951 to 1959; 31 USC 5311 to 5324

CFR Citation: 31 CFR 103

Legal Deadline: None.

Abstract: This document would place the United States Postal Service under the reporting requirements of the Bank Secrecy Act with respect to cash purchases of postal money orders exceeding $10,000, in response to the problem of drug money laundering through the purchase of postal money orders.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: No

Agency Contact: Jonathan J. Rusch, Director, Office of Financial Enforcement, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, **202 566-8022**

RIN: 1505-AA27

DEPARTMENT OF THE TREASURY (TREAS) — Final Rule Stage

Departmental Offices (DO)

2118. ● DISCLOSURE OF BANK SECRECY ACT DATA

Legal Authority: 12 USC 1892b; 12 USC 1951 to 1959; 31 USC 5311 to 5324

CFR Citation: 31 CFR 103

Legal Deadline: None.

Abstract: This regulation would clarify current rules pertaining to disclosure of information reported under the Bank Secrecy Act and to add a new provision that would authorize charging of fees for costs incidental to certain disclosures to state and local government agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21699
NPRM Comment Period End	07/08/87	52 FR 21699
Final Action	09/00/87	

Small Entity: No

Agency Contact: Jonathan J. Rusch, Director, Office of Financial Enforcement, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, **202 566-8022**

RIN: 1505-AA25

DEPARTMENT OF THE TREASURY (TREAS) — Completed Actions

Departmental Offices (DO)

2119. DISCLOSURE OF RECORDS

Legal Authority: 5 USC 552; 5 USC 552a; 31 USC 321

CFR Citation: 31 CFR 1

Legal Deadline: None.

Abstract: This regulation amends the Department's regulations implementing the Freedom of Information and Privacy Acts. The proposed amendments are intended to facilitate and simplify public requests for information, and to assure accurate and consistent application of policies and procedures throughout the Department.

Timetable:

Action	Date	FR Cite
NPRM	04/14/87	52 FR 12003
NPRM Comment Period End	04/24/87	52 FR 12003
Final Action	07/24/87	52 FR 26302

Small Entity: No

Agency Contact: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, Departmental Offices, Washington, DC 20220, **202 566-2789**

RIN: 1505-AA01

2120. IMPLEMENTING REGULATIONS; GOVERNMENT SECURITIES ACT OF 1986

Significance: Regulatory Program

Legal Authority: 15 USC 780-4; 31 USC 3121; 31 USC 9110

CFR Citation: 17 CFR 4

Legal Deadline: Statutory. Proposed regulations: 02/25/87; Temporary regulations: 05/26/87; Final regulations: 07/25/87

Abstract: These regulations will implement the Government Securities Act of 1986 (Pub. L. 99-571), which requires the Secretary of the Treasury to adopt regulations concerning the financial responsibility, protection of customer securities and balances, recordkeeping, reporting and audit of brokers and dealers in government securities.

Timetable:

Action	Date	FR Cite
NPRM	02/25/87	52 FR 05660
NPRM Comment Period End	03/27/87	52 FR 05660
Interim Final Rule	05/26/87	52 FR 19641
Final Action	07/24/87	52 FR 27909

TREAS—DO **Completed Actions**

Small Entity: Undetermined

Agency Contact: Ellen Seidman, Special Assistant to the Undersecretary, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 4414, Washington, DC 20220, **202 566-2278**

RIN: 1505-AA21

2121. ● ADMINISTRATIVE RULING SYSTEM UNDER THE BANK SECRECY ACT REGULATIONS

Legal Authority: 12 USC 1892b; 12 USC 1951 to 1959; 31 USC 5311 to 5324

CFR Citation: 31 CFR 103

Legal Deadline: None.

Abstract: In order to facilitate dissemination of Treasury Department interpretations of the Bank Secrecy Act and regulations, this document institutes an administrative ruling system similar to those used by the Internal Revenue Service and the Customs Service.

Timetable:

Action	Date	FR Cite
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Jonathan J. Rusch, Director, Office of Financial Enforcement, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, **202 566-8022**

RIN: 1505-AA26

[FR Doc. 87-21238 Filed 10-23-87; 8:45 am]

BILLING CODE 4810-25-T

Office of Revenue Sharing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2122	31 CFR 51 Final Wind-Down of Revenue Sharing Program	1507-AA12

DEPARTMENT OF THE TREASURY (TREAS)

Office of Revenue Sharing (ORS) **Prerule Stage**

2122. FINAL WIND-DOWN OF REVENUE SHARING PROGRAM

Legal Authority: 31 USC 6701 to 6724; PL 99-272

CFR Citation: 31 CFR 51

Legal Deadline: None.

Abstract: Congress has repealed the Revenue Sharing Act effective December 31, 1986 or the adjournment sine die of the 99th Congress whichever is earlier. Some regulatory changes have been made but final changes may need to be made in the regulations in order to effectuate this repeal. No alternative to wind-down of the Program or repeal of the Act exists. The elimination of the Program will be a substantial cost-cutting action.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Richard S. Isen, Chief Counsel, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA12

[FR Doc. 87-21238 Filed 10-23-87; 8:45 am]

BILLING CODE 4810-28-T

DEPARTMENT OF THE TREASURY (TREAS)

Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities

within the meaning of the Regulatory Flexibility Act.

Dated: August 20, 1987.

Marcus W. Page,

Acting Commissioner.

Financial Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2123	31 CFR 205 Revision of 31 CFR Part 205 (TDC No. 1075), Payments Between the Federal Government and Recipient Organizations	1510-AA00
2124	31 CFR 210, (Revision) Federal Payments through Financial Institutions by the Automated Clearing House Method	1510-AA09
2125	31 CFR 235 Time Limitation on Payment and Cancellation of Treasury Checks and Reclamation Actions and Claims	1510-AA11
2126	31 CFR 225, (Revision) Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds	1510-AA13

Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2127	31 CFR 223, (Revision) Regulations Governing Surety Companies Doing Business with the United States	1510-AA12

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Financial Management Service (FMS)

2123. REVISION OF 31 CFR PART 205 (TDC NO. 1075), PAYMENTS BETWEEN THE FEDERAL GOVERNMENT AND RECIPIENT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 31 USC 6503

CFR Citation: 31 CFR 205

Legal Deadline: None.

Abstract: Revision of 31 CFR 205 will implement a new funding technique for Federal programs. The regulation would require a State to pay interest on Federal funds from the time they are deposited to the State's account until the time those funds are paid out to redeem checks or warrants or make payments by other means. This new "Checks Issued-Interest Remitted" technique was developed in response to statutes in some States that require that funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government if a State disburses its own funds for program purposes in accordance with Federal law, regulation or Federal/State agreement.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: In addition, other cash management issues discussed by the State/Federal Cash Management Reform Task Force will be addressed in this regulation.

Government Levels Affected: Local, State, Federal

Agency Contact: Katherine Payne, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, Treasury Anx. 1, PB 802, Madison Place and Pennsylvania, NW, Washington, DC 20226, **202 634-5704**

RIN: 1510-AA00

2124. FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None.

Abstract: Revision of 31 CFR 210 will expand the Direct Deposit/Electronic Funds Transfer (DD/EFT) program so that payments to meet Federal obligations can be made directly by DD/EFT. These include non-benefit payments such as vendor payments, miscellaneous payments, Internal Revenue Service (IRS) tax refunds, savings bonds, grants and loans. It will also include the payment of discretionary allotments of net pay of Federal employees' salaries by DD/EFT. Electronic funds thus transferred through the Federal Reserve System eliminate the possibility of checks being lost, stolen, or forged. The Federal Government's operating

TREAS—FMS **Prerule Stage**

efficiency will be improved, productivity will be increased, and the costs associated with the current methods will be reduced.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Frasia Trice, Manager, Policy and Research Branch, Department of the Treasury, Financial Management Service, Treasury Annex 1, Room 204, Washington, DC 20226, 202 566-9839

RIN: 1510-AA09

2125. ● TIME LIMITATION ON PAYMENT AND CANCELLATION OF TREASURY CHECKS AND RECLAMATION ACTIONS AND CLAIMS

Significance: Agency Priority

Legal Authority: PL 100-86, Sec 1005 Title X; 31 USC 3328; 31 USC 3334; 31 USC 3712(a)

CFR Citation: 31 CFR 235; 31 CFR 240; 31 CFR 245

Legal Deadline: Statutory, 00/00/00. Amendments shall become effective 6 months after the date of enactment of PL 100-86 or on such later date as the Secretary of the Treasury may prescribe in regulations.

Abstract: These regulations are required under PL 100-86, Sec 1005, and they will prescribe rules and procedures necessary in order to implement the time limitation on payment and cancellation of Treasury checks and reclamation actions and claims.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: David A. Ingold, Chief Counsel, Department of the Treasury, Financial Management Service, Madison Pl. & Pennsylvania Ave., NW, Washington, DC 20226, 202 566-7534

RIN: 1510-AA11

2126. ● ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Significance: Agency Priority

Legal Authority: 31 USC 9303

CFR Citation: 31 CFR 225, (Revision)

Legal Deadline: None.

Abstract: Revision of 31 CFR 225 will address two major issues: the definition of authorized depositories eligible to act as custodian of securities pledged under these regulations, and the definition of acceptable U.S. Notes or Bonds, i.e., those that may be pledged in lieu of a surety bond.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 1725 I Street, NW, Room 1008A, Washington, DC, 20226, 202 634-2101

RIN: 1510-AA13

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Proposed Rule Stage

2127. ● REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309

CFR Citation: 31 CFR 223, (Revision)

Legal Deadline: None.

Abstract: Revision of 31 CFR Part 223, contains several substantive changes, as well as editorial changes and a realignment of sections. Substantive changes include: 1) a 3-year aging requirement in order to qualify for Treasury certification, 2) elimination of the alternative to use collateral for protecting excess risks, and 3) a requirement that all reinsurance on Federal bonds be placed with companies recognized by Treasury for reinsurance purposes. The proposed regulations provide provisions for exceptions to the aging and reinsurance regulations under certain circumstances. These regulations will help Treasury ensure that certified companies are capable of carrying out their surety contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29039
NPRM Comment Period End	10/04/87	52 FR 29039
Final Action	11/30/87	
Final Action Effective	12/31/87	

Small Entity: No

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 1725 I Street, NW Rm. 1008A, Washington, DC 20226, 202 634-2101

RIN: 1510-AA12

[FR Doc. 87-21239 Filed 10-23-87; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 640]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291, entitled "Federal Regulations," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of April 1988.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for the regulatory project.

For general information about this general notice, contact Lori Weins, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566-7626.

Issuance

By Direction of the Secretary of the Treasury, this general notice reads as set forth below.

Dated: August 12, 1987.

Phillip C. McGuire,

Acting Director.

Bureau of Alcohol, Tobacco and Firearms—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2128	27 CFR 4.73 Standards of Fill for Wine and Distilled Spirits	1512-AA77

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2129	27 CFR 9 American Viticultural Areas	1512-AA07
2130	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2131	27 CFR 197 Nonbeverage Drawback	1512-AA20
2132	27 CFR 4.29 Grape Harvest Labeling for Wine	1512-AA31
2133	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2134	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2135	27 CFR 4.24 Non-Generic Designations of Grape Wine Having Geographical Significance	1512-AA71
2136	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27	1512-AA72
2137	27 CFR 4.32 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Disclosure of FD & C Yellow No. 6	1512-AA76
2138	27 CFR 25 Operation of a Retail Beer Dealership for on-premises consumption at a Brewery	1512-AA78
2139	27 CFR 55 Fireworks Regulations	1512-AA52
2140	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2141	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2142	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2143	27 CFR 5.22(b)(1)(iii) Change in Standard of Identity for Straight Whiskies of the Same Type	1512-AA32
2144	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2145	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word Light (Lite)	1512-AA48
2146	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2147	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2148	27 CFR 4.35 Winemaking Terminology	1512-AA70
2149	27 CFR 7 Use of Terms in the Labeling and Advertising of Malt Beverages Having an Alcohol Content of Less Than .5% by Volume	1512-AA73
2150	27 CFR 5 Listing of Principal Place of Business on Distilled Spirits Labels	1512-AA74
2151	27 CFR 72 Amendments to the Gun Control Act of 1968	1512-AA75
2152	27 CFR 178 Restrictions on Manufacture, Importation and Sale of Armor Piercing Ammunition	1512-AA79
2153	27 CFR 178 Simplified Recordkeeping for Low-volume Firearms Dealers	1512-AA80
2154	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2155	27 CFR 4.26 Estate Bottled	1512-AA34

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Prerule Stage

ALCOHOL

2128. STANDARDS OF FILL FOR WINE AND DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.73; 27 CFR 5.47

Legal Deadline: None.

Abstract: ATF is considering amending the standard of fill requirements for wine and distilled spirits. Based, in part, on a petition it has received, the Bureau wishes to gather information by inviting comments from the public and industry concerning the existing standards of fill.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 26385
ANPRM Comment Period Extended	08/21/87	
ANPRM Comment Period End	08/24/87	
ANPRM Extended Comment Period Ends	10/23/87	
NPRM	12/00/88	

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA77

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Proposed Rule Stage

ALCOHOL

2129. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None.

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

Ben Lomond Mountain, CA (contact Robert White)

NPRM 04/27/87 (52 FR 13844)

NPRM Comment Period End 05/27/87
Final Action 12/00/87

Cayuga Lake, NY (contact Jim Ficaretta)
NPRM 09/16/87 (52 FR 34927)
NPRM Comment Period End 10/16/87
Final Action 06/00/88

El Dorado, CA - Amendment (contact Jim Hunt)
NPRM 06/03/86 (51 FR 19853)
NPRM Comment Period End 07/03/86
Final Action 06/24/87 (52 FR 23650)

Middle Rio Grande Valley, NM (contact Ed Reisman)
NPRM 05/26/87 (52 FR 19535)
NPRM Comment Period End 06/29/87
Final Action 12/00/87

Monticello, VA - Amendment (contact Jim Hunt)
NPRM 06/03/86 (51 FR 19856)
NPRM Comment Period End 07/03/86
Final Action 06/24/87 (52 FR 23651)

Northern Neck, VA (contact Ed Reisman)
NPRM 09/17/85 (50 FR 37692)
NPRM Comment Period End 11/01/85
Final Action 04/21/87 (52 FR 13079)

Old Mission Peninsula, MI (contact Ed Reisman)
NPRM 11/18/86 (51 FR 41639)
NPRM Comment Period End 01/02/87
Final Action 06/08/87 (52 FR 21513)

Ozark Highlands, MO (contact Steve Simon)
NPRM 02/09/87 (52 FR 4036)
NPRM Comment Period End 03/26/87
Final Action 08/03/87 (52 FR 32783)

San Benito, CA (contact Steve Simon)
NPRM 04/10/87 (52 FR 11689)
NPRM Comment Period End 05/11/87
Final Action 10/05/87 (52 FR 37135)

Sierra Foothills, CA (contact Mike Breen)
NPRM 05/26/87 (52 FR 19532)
NPRM Comment Period End 07/27/87
Final Action 12/00/87

Sonoma Coast, CA (contact John Linthicum)
NPRM 10/24/86 (51 FR 37755)
NPRM Comment Period End 01/22/87
Final Action 06/11/87 (52 FR 22302)

Stags Leap District, CA (contact Jim Ficaretta)
NPRM 02/11/87 (52 FR 4350)
NPRM Comment Period End 04/13/87
Final Action 06/00/88

Warren Hills, NJ (contact Steve Simon)
NPRM 09/29/87 (52 FR 36432)
NPRM Comment Period End 11/13/87
Final Action 06/00/88

Western Connecticut Highlands, CT (contact Ed Reisman)
NPRM 08/11/87 (52 FR 29705)
NPRM Comment Period End 09/25/87
Final Action 06/00/88

Wild Horse Valley, CA (contact Ed Reisman)
NPRM 09/16/87 (52 FR 34924)
NPRM Comment Period End 11/02/87
Final Action 06/00/88

Small Entity: No

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA07

2130. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None.

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: No

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA17

2131. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Legal Deadline: None.

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28286
NPRM Comment Period End	10/29/87	
Final Action	12/00/88	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: This regulation affects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA20

2132. GRAPE HARVEST LABELING FOR WINE

Significance: Agency Priority

Legal Authority: 27 USC 205E; 27 USC 205F

CFR Citation: 27 CFR 4.29

Legal Deadline: None.

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: No

Agency Contact: Michael Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA31

2133. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None.

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA50

2134. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None.

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20026, **202 566-7531**

RIN: 1512-AA69

2135. NON-GENERIC DESIGNATIONS OF GRAPE WINE HAVING GEOGRAPHICAL SIGNIFICANCE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.24

Legal Deadline: None.

Abstract: This proposal expands the list of names officially recognized under 27 CFR Part 4, as being non-generic for the purposes of labeling and advertising of wine. This proposal is the result of petitions from numerous foreign countries for ATF recognition of non-generic wine designations which, in their view, denote distinctive national products. This proposal is also an outgrowth of one of the commitments made by the United States, in the Exchange of Letters of July 26, 1983 with the Commission of the European Communities, to work within the regulatory framework of 27 CFR Part 4, to prevent erosion of non-generic designations of geographic significance. For practical reasons it is being proposed that only "examples" of non-generic designations be listed in Part 4 while a complete list of all non-generic designations be listed in a new Part 12.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Lilia Vannett, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 535-6245**

RIN: 1512-AA71

2136. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None.

Abstract: To update and clarify regulations relating to the Importation of Distilled Spirits, Wines and Beer and to incorporate related ATF Rulings into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512-AA72

2137. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; DISCLOSURE OF FD & C YELLOW NO. 6

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

Legal Deadline: None.

Abstract: ATF is proposing to amend the regulations by requiring the mandatory disclosure of FD & C Yellow No. 6 on labels of alcoholic beverages, because of evidence indicating the possibility of allergic-type reactions to the color additive. As in the case of FD & C Yellow No. 5, which also requires label disclosure under existing regulations FD & C Yellow No. 6 is used infrequently in the production of alcoholic beverages being limited to mostly cocktails, liqueurs, and other specialty products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA76

2138. OPERATION OF A RETAIL BEER DEALERSHIP FOR ON-PREMISES CONSUMPTION AT A BREWERY

Significance: Agency Priority

Legal Authority: 26 USC 5411

CFR Citation: 27 CFR 25

Legal Deadline: None.

Abstract: ATF is proposing to establish criteria and procedures for operating a retail beer dealership for on-premises consumption at a brewery. This proposal is the result of a petition submitted by Mr. Bill Owens, proprietor of Buffalo Bill's Brewery, located in Hayward, CA.

TREAS—BATF **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	52 FR 32814
NPRM Comment Period End	10/30/87	
Final Action	06/00/88	

Small Entity: Yes

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA78

FIREARMS

2139. FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC Chapter 40

CFR Citation: 27 CFR 55

Legal Deadline: None.

Abstract: Information gathering on Safe Handling of Explosive Materials in the Fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	12/00/87	

Small Entity: No

Agency Contact: Larry White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7591

RIN: 1512-AA52

TOBACCO PRODUCTS

2140. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None.

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR Part 285.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period End	10/02/84	
NPRM	04/00/88	

Small Entity: Undetermined

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512-AA33

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF) **Final Rule Stage**

ALCOHOL

2141. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Legal Deadline: None.

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 9873
NPRM Comment Period End	06/25/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512-AA06

2142. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None.

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	02/19/86	51 FR 6009
NPRM Comment Period End	05/20/86	
Final Action	06/00/88	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Riod Federal Building, 1200 Pennsylvania Avenue,

NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA10

2143. CHANGE IN STANDARD OF IDENTITY FOR STRAIGHT WHISKIES OF THE SAME TYPE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(b)(1)(iii); 27 CFR 19.346(b)

Legal Deadline: None.

Abstract: Current regulations do not provide for distilled spirits plant proprietors to mingle and still designate as straight whiskies of the same type produced at different distilleries or produced by different distillers. This project will allow such whiskies to be labeled as straight as long as the whiskies are produced within the same state. Their only alternative is to leave the regulations as they are and to not allow such whiskies to be mingled and designated as straight. We do not anticipate any extra costs to result from this change in regulations. This change will result in greater flexibility for distilled spirits plant proprietors.

Timetable:

Action	Date	FR Cite
NPRM	05/08/84	49 FR 19333
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 30538
Extended NPRM Comment Period Ends	10/29/84	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA32

2144. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Legal Deadline: None.

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/07/86	51 FR 8098
NPRM Comment Period End	07/07/86	
NPRM Comment Period Extended	07/08/86	51 FR 24719
NPRM Extended Comment Period Ends	12/31/86	
Final Action	01/00/88	

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA42

2145. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD LIGHT (LITE)

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None.

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28836
NPRM Comment Period End	11/10/86	
NPRM Comment Period Reopened	11/14/86	51 FR 41355
NPRM Reopened Comment Period Ends	12/31/86	
Final Action	02/00/88	

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA48

2146. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Legal Deadline: None.

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
Extended NPRM Comment Period Ends	03/01/85	
Final Action	10/00/87	

Small Entity: No

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Mike Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA61

2147. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None.

TREAS—BATF **Final Rule Stage**

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on domestic wine labels. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period Ends	07/07/86	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7569**

RIN: 1512-AA67

2148. WINEMAKING TERMINOLOGY

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None.

Abstract: ATF is proposing to define words denoting winemaking operations for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in Wawskiewicz v. Department of the Treasury, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19361
NPRM Comment Period End	09/26/86	
Final Action	06/00/88	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA70

2149. USE OF TERMS IN THE LABELING AND ADVERTISING OF MALT BEVERAGES HAVING AN ALCOHOL CONTENT OF LESS THAN .5% BY VOLUME

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 7

Legal Deadline: None.

Abstract: ATF is proposing to incorporate into the regulations two Rulings (Rev. Rul. 57-322 and ATF Rul. 85-11) regarding the use of the terms "Non-Alcoholic," "Alcohol-Free," "Near Beer," and "Cereal Beverage" in the labeling and advertising of Malt Beverages.

Timetable:

Action	Date	FR Cite
NPRM	10/30/86	51 FR 39666
NPRM Comment Period End	01/28/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Jim Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA73

2150. LISTING OF PRINCIPAL PLACE OF BUSINESS ON DISTILLED SPIRITS LABELS

Significance: Agency Priority

Legal Authority: 26 USC 7805; 27 USC 205

CFR Citation: 27 CFR 5; 27 CFR 19

Legal Deadline: None.

Abstract: Will allow producers of distilled spirits who operate more than one distilled spirits plant to use a principal place of business as the address shown on labels in lieu of listing the actual place of production, provided the producer establishes a coding system for identifying where the product was actually bottled.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 37605
NPRM Comment Period End	12/24/86	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Jim Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA74

FIREARMS

2151. AMENDMENTS TO THE GUN CONTROL ACT OF 1968

Significance: Agency Priority

Legal Authority: PL 99-308; PL 99-360

CFR Citation: 27 CFR 72; 27 CFR 178; 27 CFR 179

Legal Deadline: None.

Abstract: Implements changes required by Public Law 99-308 (Firearms Owners Protection Act of 1986), and amendments thereto (Public Law 99-360).

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39635
Interim Final Rule	10/29/86	51 FR 39612
NPRM Comment Period End	01/27/87	
NPRM Comment Period Extended	01/28/87	52 FR 2865
NPRM Extended Comment Period Ends	02/27/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Dan Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7591**

RIN: 1512-AA75

TREAS—BATF

Final Rule Stage

2152. RESTRICTIONS ON MANUFACTURE, IMPORTATION AND SALE OF ARMOR PIERCING AMMUNITION

Significance: Agency Priority

Legal Authority: 18 USC 926

CFR Citation: 27 CFR 178

Legal Deadline: None.

Abstract: ATF is amending regulations to implement provisions of Public Law 99-408. The amended regulations will restrict the manufacture, importation and sale of armor piercing ammunition.

Timetable:

Action	Date	FR Cite
NPRM	01/16/87	52 FR 2053
Interim Final Rule	01/16/87	52 FR 2048
NPRM Comment Period End	04/16/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Daniel Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA79

2153. SIMPLIFIED RECORDKEEPING FOR LOW-VOLUME FIREARMS DEALERS

Significance: Agency Priority

Legal Authority: 18 USC 926

CFR Citation: 27 CFR 178

Legal Deadline: None.

Abstract: ATF is proposing to simplify recordkeeping procedures for sales or other dispositions of firearms by low-volume dealers.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4509
NPRM Comment Period End	05/13/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Daniel crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA80

TOBACCO PRODUCTS

2154. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Legal Deadline: None.

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment Period End	03/13/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512-AA28

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

2155. ESTATE BOTTLED

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.26

Legal Deadline: None.

Abstract: To redefine estate bottled requirements and provide for additional terms to provide requirements for imported wine.

Timetable:

Action	Date	FR Cite
Withdrawn	08/05/87	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Areil Riod Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA34

[FR Doc. 87-21242 Filed 10-23-87; 8:45 am]

BILLING CODE 4810-31-T

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on April 27, 1987 (52 FR 14695) are also included. It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities," and therefore are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: August 18, 1987.

Robert L. Clarke,

Comptroller of the Currency.

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2156	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2157	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2158	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office is Not a Party	1557-AA57
2159	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2160	12 CFR 1 Investment Securities Regulation	1557-AA60
2161	12 CFR 16 Securities Offering Disclosure Rules	1557-AA65
2162	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA66
2163	12 CFR 4 Supervision of Bank Operations	1557-AA67
2164	12 CFR 29 Real Estate Lending	1557-AA69
2165	12 CFR 5.33 Merger, Consolidation, Purchase and Assumption	1557-AA71
2166	12 CFR 32 Lending Limits	1557-AA72

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2167	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2168	12 CFR 18 Annual Financial Disclosures to Shareholders	1557-AA44
2169	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA61

TREAS—OCC

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2170	12 CFR 21.5 Minimum Security Devices and Procedures, Reports of Crimes and Suspected Crimes and Bank Secrecy Act Compliance	1557-AA68

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Comptroller of the Currency (OCC)

2156. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None.

Abstract: Comments in response to a prior rulemaking Final Rule Docket No. 80-16 (46 FR 71571) published October 29, 1980 included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. In view of the favorable disposition of litigation impacting on the fiduciary powers of national banks and collective investment funds (Investment Company Institute v. Clarke, 789 F.2d 175 (2d Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Conover, 790 F.2d 925 (D.C. Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, 793 F.2d 220 (9th Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, No.

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	06/00/88	

Small Entity: No

Additional Information: ABSTRACT CONTINUED: 86-3725 (W.D.N.C. August 25, 1986), appeal withdrawn by stipulation, Jan. 6, 1987), the project has been reactivated. The effect on small entities will be considered in the development of this rulemaking.

Agency Contact: **John Bruno**, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA04

2157. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817(j); 12 USC 1818; 12 USC 1820; 15 USC 78l(h); 15 USC 78l(i); 15 USC 78o-4(c); 15 USC 78u; 15 USC 78w; 5 USC 554 to 557; PL 95-630; 12 USC 3102; 12 USC 3108(a)

CFR Citation: 12 CFR 19

Legal Deadline: None.

Abstract: The proposed regulation will set forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	06/00/88	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Brenda Curry, Senior Attorney, Legislative and Regulatory Analysis Division, (202) 447-1632, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: **Robert L. Davis**, Assistant Director, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557-AA43

2158. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Legal Authority: 5 USC 301; 12 USC 481; 5 USC 552(b)(8)

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b)

Legal Deadline: None.

Abstract: This rule governs the release by this Office of confidential documents, especially reports of examination, and testimony for use in litigation in which the Office is not a party. The Office is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might be authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: **Lester N. Scall**, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza

East, SW, Washington, DC 20219, 202 447-1893

RIN: 1557-AA57

2159. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Legal Deadline: None.

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and this Office concerning banks' loan portfolios, including loans to borrowers in foreign countries experiencing liquidity problems, other sources of income and exposure to risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the Office in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The Office considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the Office determined it was appropriate to propose the additional requirements as amendments to part 11 because the Office believes the proposed requirements will help to clarify the types of disclosures which the Office, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The effect on small entities will be considered in the development of this rulemaking

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA58

2160. INVESTMENT SECURITIES REGULATION

Legal Authority: 12 USC 1 et seq; 12 USC 24(7)

CFR Citation: 12 CFR 1

Legal Deadline: None.

Abstract: The Office proposes to amend this regulation to provide adequate safeguards for the purchase of mortgage-backed securities by national banks for their own accounts. The proposal will require that issues of such securities, in order to be eligible for purchase by national banks, must satisfy the Office's standards of investment quality and marketability. The proposal is considered a desirable alternative to leaving national banks without guidance in this area. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Owen Carney, Director, Investment Securities Division, 202 447-1901, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Jonathan Rushdoony, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557-AA60

2161. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1 et seq; 12 USC 1818; 12 USC 93a

CFR Citation: 12 CFR 16

Legal Deadline: None.

Abstract: This regulation contains the Office's disclosure requirements for securities offerings by national banks. The Office is considering revisions which would clarify the coverage of the rule, specify the Office's enforcement authority in connection with the rule, liberalize nonpublic offering requirements, provide for more meaningful disclosure requirements in public offerings, revise financial information requirements to be more consistent with 12 CFR Part 11, and where practicable, incorporate by reference provisions of 12 CFR Part 11. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
NPRM Comment Period End	07/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA65

2162. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 92a

CFR Citation: 12 CFR 9

Legal Deadline: None.

Abstract: The Office proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Barrett Aldemeyer, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557-AA66

2163. SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 1 et seq; 12 USC 481; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None.

TREAS—OCC **Proposed Rule Stage**

Abstract: The proposed regulation will set forth amendments to the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	05/00/88	
Final Action	07/00/88	

Small Entity: No

Agency Contact: James F. E. Gillespie, Jr., Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L' Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA67

2164. REAL ESTATE LENDING

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 371; 12 USC 1701j-3

CFR Citation: 12 CFR 29; 12 CFR 30; 12 CFR 34

Legal Deadline: None.

Abstract: The proposed rule will revise 12 CFR 29 on adjustable-rate mortgages to conform disclosure requirements with Regulation Z, 12 CFR 226. Coverage of the regulation will be limited to consumer credit, and secondary market authority will be expanded. Obsolete portions of 12 CFR 30 on due-on-sale clauses will be rescinded. The revised adjustable-rate mortgages regulations and remaining regulations on due-on-sale clauses will then be transferred to 12 CFR 34 so that all substantive regulations on real estate lending will be found in the same place. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	10/00/88	

Small Entity: No

Agency Contact: Linda Gottfried, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA69

2165. ● MERGER, CONSOLIDATION, PURCHASE AND ASSUMPTION

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 181; 12 USC 214a; 12 USC 215; 12 USC 215a; 12 USC 1828(c); 15 USC 78

CFR Citation: 12 CFR 5.33; 12 CFR 11.590

Legal Deadline: None.

Abstract: The Office proposes to amend 12 CFR 5.33 to set forth the Office's merger proxy statement filing requirements for banks that do not have a class of equity securities registered under the Securities Exchange Act of 1934 ("Exchange Act"), and to specify the disclosure that is required of such banks for various types of merger transactions. This proposal may also include an amendment to relevant portions of 12 CFR 11.590 so as to clarify the Office's merger proxy requirements for Exchange Act registered banks and to ensure that these requirements will be consistent with those to be proposed at 12 CFR 5.33. These actions are expected to assist bank merger applicants in preparing their merger proxy materials, which are subject to Office review and clearance pursuant to the Office's merger procedures. The effect on small entities will be considered in development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	04/00/88	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Laura Plaze, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA71

2166. ● LENDING LIMITS

Legal Authority: 12 USC 1 et seq; 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32

Legal Deadline: None.

Abstract: The Office is considering several amendments to the lending limits regulation to simplify, clarify and improve that regulation. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: James F. E. Gillespie, Jr., Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA72

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

2167. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 5

Legal Deadline: None.

Abstract: The Office is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. The Office proposes to make several miscellaneous technical amendments to this regulation to cause the regulation to conform to recent adjustments to Office procedures for processing corporate filings. These proposals are expected to benefit national banks and the Office by removing burdensome and costly regulatory requirements, while maintaining the Office's ability to

render an informed decision on the proposed activity. The effect on small entities is considered in the development of each rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: No

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA00

2168. ANNUAL FINANCIAL DISCLOSURES TO SHAREHOLDERS

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818

CFR Citation: 12 CFR 18

Legal Deadline: None.

Abstract: The proposed regulation revises certain disclosure requirements of this Office. It would require all national banks to prepare an annual disclosure statement. This statement would include two consecutive years' comparative financial statements. The information to be disclosed is currently publicly available from the Call Report. The bank would have the option of including a narrative discussion of matters they deem important. The bank would notify shareholders along with the annual meeting notice and depositors and potential depositors via a lobby poster in the main office and each branch. Banks currently subject to 12 CFR 11 may use their F-2 form. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/84	49 FR 28566
ANPRM Comment Period End	10/11/84	49 FR 28566
NPRM	10/30/85	50 FR 45372
NPRM Comment Period End	02/28/86	51 FR 04504
NPRM	06/22/87	52 FR 23456
NPRM Public Comment Period End	08/21/87	52 FR 23457
Final Action	12/00/87	

Small Entity: No

Agency Contact: Emily R. McNaughton, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA44

2169. MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Significance: Regulatory Program

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None.

Abstract: The proposed guidelines will make explicit adjustments for differences in the riskiness of assets and the existence of off-balance sheet activities in assessing bank capital adequacy. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/86	51 FR 10602
ANPRM Comment Period End	06/25/86	51 FR 10602
NPRM	06/17/87	52 FR 23045
NPRM Comment Period End	08/17/87	52 FR 23045
Final Action	10/00/87	

Small Entity: No

Agency Contact: Ed Irmler, Associate Director, Department of the Treasury, Comptroller of the Currency, Economic and Policy Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1924**

RIN: 1557-AA61

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

2170. MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF CRIMES AND SUSPECTED CRIMES AND BANK SECRECY ACT COMPLIANCE

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884; 31 USC 5311 et seq

CFR Citation: 12 CFR 21.5

Legal Deadline: None.

Abstract: These amendments to 12 CFR 21.5 will reduce a reporting burden by requiring a biennial instead of an annual compliance report and will eliminate the requirement to keep records of consultation. This action will reduce a bank's cost of complying with government regulation. This rulemaking will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
Final Action	08/03/87	52 FR 28681
Final Action Effective	10/02/87	52 FR 28681

Small Entity: No

Agency Contact: Thomas C. Lehmkuhl, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Activities Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1164**

RIN: 1557-AA68

[FR Doc. 87-21240 Filed 10-23-87; 8:45 am]

BILLING CODE 4810-33-T

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Gertrude A. Bresnahan, Regulations Control Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulations," require semiannual publication, in April and October of each year, or an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are under agency review. Customs agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, the status of projects referred to in previously published agendas is shown. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

Dated: August 6, 1987.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

United States Customs Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2171	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22

United States Customs Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2172	19 CFR 141 Entry of Consolidated Shipments	1515-AA56
2173	19 CFR 134 Country of Origin Marking	1515-AA59
2174	19 CFR 113 Continuous Importation and Entry Bond Secured by Corporate Sureties	1515-AA60

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2175	19 CFR 6 Air Commerce Regulations	1515-AA47
2176	19 CFR 4 Customs User Fees	1515-AA50
2177	19 CFR 12 Semiconductor Chip Products	1515-AA51
2178	19 CFR 24 Formal Entry User Fee	1515-AA53
2179	19 CFR 4 Harbor Maintenance Fee	1515-AA57
2180	19 CFR 141 Liens by Customs Brokers	1515-AA58

TREAS—CUSTOMS

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2181	19 CFR 133 Copyright	1515-AA07
2182	19 CFR 141 Entry Documentation Filing	1515-AA49

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Prerule Stage

2171. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Legal Deadline: None.

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice of Status	07/07/86	51 FR 24535
Pending Congressional Action	00/00/00	

Small Entity: No

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515-AA22

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Proposed Rule Stage

2172. ● ENTRY OF CONSOLIDATED SHIPMENTS

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141; 19 CFR 178

Legal Deadline: None.

Abstract: Amendment to the Customs Regulations relating to entry procedures for consolidated shipments of imported merchandise. The amendment would ensure that if individual shipments of merchandise having various consignees are consolidated into a large shipment, the entry would not be made by a broker, or at a port of entry, designated by the consignee named in the master bill of lading or master air waybill if any individual bill of lading or individual air waybill within that shipment specifies a different broker, or port of entry, for making entry, or that entry will be made by the actual owner or purchaser.

Timetable:

Action	Date	FR Cite
NPRM	12/24/85	50 FR 52532
NPRM Comment Period End	02/24/86	
NPRM in Treasury Review	09/11/87	

Small Entity: No

Additional Information: After consideration of the comments received in response to the previous notice proposing this change, and meetings with affected persons, it has been determined that many people did not understand the proposal. Accordingly, the document has been modified and it should be republished to allow all affected persons an opportunity to submit comments before any final decisions are made.

Agency Contact: Jerry Laderberg, Attorney, Department of the Treasury, United States Customs Service, Room 2343, 1301 Constitution Avenue NW, Washington, DC 20229, 202 566-5765

RIN: 1515-AA56

2173. ● COUNTRY OF ORIGIN MARKING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None.

Abstract: Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the U.S., the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin appears anywhere on a foreign article or its container, then the actual country of

TREAS—CUSTOMS **Proposed Rule Stage**

origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

Timetable:

Action	Date	FR Cite
NPRM in Treasury Review	07/00/87	
NPRM	10/00/87	

Small Entity: No

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, Room 2343, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515-AA59

2174. ● CONTINUOUS IMPORTATION AND ENTRY BOND SECURED BY CORPORATE SURETIES

Legal Authority: 19 USC 66; 19 USC 1484; 19 USC 1551; 19 USC 1565; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 113

Legal Deadline: None.

Abstract: Amendment to the Customs Regulations to provide that a continuous importation and entry bond secured by a corporate surety may only be filed with Customs under cover of a letter signed by an authorized officer or agent of that surety. Such an amendment would protect the Government from unnecessary delays in receiving payment from sureties of an importer's liabilities, for which the surety is also responsible, when the surety denies liability because it claims to have no record of the bond upon which the demand is made.

Timetable:

Action	Date	FR Cite
NPRM under Customs Review	07/10/87	
NPRM	10/00/87	

Small Entity: No

Agency Contact: William Lawlor, Attorney, Department of the Treasury, United States Customs Service, Room 2417, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5706

RIN: 1515-AA60

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2175. AIR COMMERCE REGULATIONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; 19 USC 1644; 49 USC 1509

CFR Citation: 19 CFR 6

Legal Deadline: None.

Abstract: Revises rules relating to the entry and clearance of aircraft and the transportation of persons and cargo by aircraft. Sets forth the general Customs requirements applicable to all air commerce.

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30455
NPRM Comment Period End	10/24/85	
TD In Customs Review	08/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Larry L. Burton, Attorney, Department of the Treasury, United States Customs Service, Room 2417, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5706

RIN: 1515-AA47

2176. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the U.S. as well as for the payment of an annual fee by Customs brokers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
TD in Customs Review	07/01/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-9425

RIN: 1515-AA50

2177. SEMICONDUCTOR CHIP PRODUCTS

Legal Authority: 17 USC 910; 19 USC 66; 19 USC 1202; 19 USC 1337; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 12

Legal Deadline: None.

Abstract: Implements Semiconductor Chip Protection Act by amending Customs Regulations to require persons seeking exclusion of infringing semiconductor chip products to first obtain a court order enjoining, or an order of the U.S. International Trade Commission excluding the importation of the products. Customs will then enforce the court order or exclusion orders.

Timetable:

Action	Date	FR Cite
NPRM	07/29/86	51 FR 27057
NPRM Comment Period End	09/29/86	
TD In Treasury Review	07/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2343, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515-AA51

2178. FORMAL ENTRY USER FEE

Significance: Agency Priority

Legal Authority: PL 99-514

TREAS—CUSTOMS

Final Rule Stage

CFR Citation: 19 CFR 24

Legal Deadline: Statutory, December 1, 1986.

Abstract: Amends Customs Regulations to implement a provision of the Omnibus Budget Reconciliation Act of 1986 which authorizes Customs to assess a merchandise processing user fee on formal entries of imported merchandise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/01/86	51 FR 43188
NPRM Comment Period End	01/30/87	
TD Under Development	08/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Banner, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Ave., NW, Room 4108, Washington, DC 20229, **202 535-4136**

RIN: 1515-AA53

2179. ● HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 623; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

Legal Deadline: Statutory, April 1, 1987.

Abstract: Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.04 percent (.0004) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/87	
Interim Final Rule Public Comment Period End	08/28/87	
Comments being analyzed	10/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Tracy Denning, Department of the Treasury, United States Customs Service, Room 4118, 1301 Constitution Ave., NW, Washington, DC 20229, **202 566-8301**

RIN: 1515-AA57

2180. ● LIENS BY CUSTOMS BROKERS

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141; 19 CFR 171

Legal Deadline: None.

Abstract: Amendment to the Customs Regulations to implement a statutory provision which allows brokers to file liens for freight, charges, or contribution in general average, until proof has been produced that the lien has been satisfied or discharged. Imported merchandise cannot be released from Customs custody until the lien has been satisfied or discharged.

Timetable:

Action	Date	FR Cite
NPRM	02/25/86	51 FR 6555
NPRM Comment Period End	04/28/86	
TD under development	08/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Jerry Laderberg, Attorney, Department of the Treasury, United States Customs Service, Room 2343, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA58

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

2181. COPYRIGHT

Legal Authority: 17 USC 1603

CFR Citation: 19 CFR 133

Legal Deadline: None.

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94-533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants. Work Plan 82-17 approved.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31245
NPRM Comment Period End	10/05/83	
Revised T.D. In Customs Review	01/05/87	
Final Action TD 87-40	03/25/87	52 FR 9471
Final Action Effective	04/24/87	

Small Entity: No

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA07

2182. ENTRY DOCUMENTATION FILING

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141

Legal Deadline: None.

Abstract: Amends Customs Regulations to provide optional procedure under which importers could file entry documentation at one port to be analyzed by Customs to determine if examination of cargo is necessary. If not, the cargo could be released when it arrives, even at another port.

TREAS—CUSTOMS

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	07/22/86	51 FR 26266
NPRM Comment Period End	09/22/86	
T.D. under development	12/04/86	
Final Action TD 87-78	06/29/87	52 FR 24153
Final Action Effective	07/29/87	

Small Entity: No

Agency Contact: Steven Knox, Operations Officer, Department of the Treasury, United States Customs Service, Room 4135, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515–AA49

[FR Doc. 87-21241 Filed 10-23-87; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from October 1, 1987, through September 31, 1988. Determinations with respect to the agenda were made as of July 31, 1987. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Cynthia E. Grigsby, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:LR (202-343-0232), not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register.** The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in April of 1988.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of July 31, 1987, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Legislation and Regulations Division, the Employee Plans and Exempt Organizations Division and the Office of Associate Chief Counsel (International) of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title; priority status; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under additional information there is provided the control number of the project within the Chief Counsel's Office, and the names and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

James I. Owens,

Acting Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2183	05 USC 0552 Statement of Procedural Rules--Miscellaneous Amendments	1545-AJ53
2184	05 USC 0552 Miscellaneous amendments	1545-AJ95
2185	26 USC 0061 Taxation, valuation, and reporting of "frequent flyer" or similar bonus payments	1545-AK02
2186	26 USC 0145 Qualified 501 (c) (3) bonds	1545-AJ39
2187	26 USC 0146 State volume cap for tax-exempt bonds	1545-AJ37
2188	26 USC 0168 Tax-exempt entity leasing	1545-AJ36
2189	26 USC 0168 Modification of ACRS	1545-AJ38
2190	26 USC 0263A (f) Capitalization of certain interest expenses-- Notice of Proposed Rulemaking	1545-AK01
2191	26 USC 0336 Certain stock sales and distributions treated as asset transfers	1545-AK29
2192	26 USC 0338 Treatment of an affiliated group of corporations as a selling consolidated group for purposes of elective recognition under section 338 (h) (10)	1545-AK31
2193	26 USC 0382 Computation of section 382 limitation	1545-AK27
2194	26 USC 0383 Special limitations on certain credit and loss carryovers	1545-AK26
2195	26 USC 0832 Treatment of salvage and reinsurance in determining losses of property and casualty insurance companies	1545-AK49
2196	26 USC 0861 Income Tax - Interest and Dividends of 80-20 Companies	1545-AJ58
2197	26 USC 0865 Source rules for personal property sales	1545-AJ83

TREAS—IRS

Internal Revenue Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2198	26 USC 0876 Exclusion of possession source income from gross income of certain individuals and treatment of corporations organized in Guam, Samoa or CNMI	1545-AJ80
2199	26 USC 0883 Income Tax - Reciprocal Exemptions for Certain Transportation Income	1545-AJ57
2200	26 USC 0887 Four percent tax on gross transportation income and ECI	1545-AJ60
2201	26 USC 0901 Amendment of Section 1.901-2(e)(3)	1545-AJ90
2202	26 USC 0904 Income Tax Regulations Under Section 121 of the Tax Reform Act of 1984 Relating to Resourcing Certain Amounts Received From A U.S. Owned Foreign Corporation	1545-AI33
2203	26 USC 0904 Separate Application of section 904 with respect to certain categories of income	1545-AJ69
2204	26 USC 0952 Subpart F - Use of Deficits	1545-AJ71
2205	26 USC 0954 Subpart F FPHC Definitions	1545-AJ61
2206	26 USC 1059A Customs Limitation on taxpayer's basis in property imported from related persons	1545-AJ92
2207	26 USC 1503(d) Dual Resident Companies Limitation on Consolidated Losses	1545-AJ54
2208	26 USC 3405 Information Regarding Resident Status: Withholding on Certain Deferred Payments Outside the United States	1545-AJ93
2209	26 USC 4981 Excise taxes relating to real estate investment trusts and regulated investment companies under the Tax Reform Act of 1986	1545-AJ02
2210	26 USC 6038A Information with respect to certain foreign-owned corporations	1545-AJ56
2211	26 USC 6050M Reporting requirements pertaining to returns relating to persons receiving contracts from Federal executive agencies	1545-AJ05
2212	26 USC 9999 Statement of Procedural Rules--Amendments to Statement of Procedural Rules--1981-1	1545-AD55

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2213	26 USC 0001 Income Tax--Deduction for Bus Operating Authorities and Freight	1545-AJ18
2214	26 USC 0001 (i) Income Tax--Unearned of Minor Children	1545-AJ17
2215	26 USC 0025 Substantiation requirement for mortgage interest credit certificates	1545-AK38
2216	26 USC 0032 Income Tax--Notice to Employees of Earned Income Credit	1545-AK00
2217	26 USC 0042 Low-income housing credit for federally assisted buildings acquired during 10-year period	1545-AK92
2218	26 USC 0042 Low-Income Housing Credit for Federally-Assisted Buildings acquired during 10-year period	1545-AL05
2219	26 USC 0047 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
2220	26 USC 0055 Income Tax--Alternative Minimum Tax	1545-AE80
2221	26 USC 0055 Alternative minimum tax for individuals	1545-AJ86
2222	26 USC 0056 Net Book Income Adjustment for U.S. Branches of Foreign Corporations	1545-AK22
2223	26 USC 0056 Net Book Income Adjustment for U.S. Branches of Foreign Corporations	1545-AK23
2224	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL02
2225	26 USC 0057 Income Tax-Minimum Tax. Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2226	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK20
2227	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK21
2228	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ49
2229	26 USC 0072 Loans Treated as Distributions	1545-AE41
2230	26 USC 0079 Update and gender-neutralize mortality table used to determine permanent group-term life insurance benefits	1545-AK50
2231	26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans	1545-AI78
2232	26 USC 0101(d) Income Tax Regulations--Mortality tables to be used to determine amount held by insurer with respect to a beneficiary	1545-AK14
2233	26 USC 0103 To Provide Regulations Under Section 147 (b)--Relating to Limitation on Maturity of Private Activity Bonds	1545-AE69
2234	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2235	26 USC 0103 Definition of "Reissuance" Under Section 103	1545-AI65
2236	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2237	26 USC 0108 Income Tax--Discharge of Indebtedness	1545-AA67
2238	26 USC 0111 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2239	26 USC 0117 Exclusion of qualified scholarships and fellowships from gross income	1545-AJ87
2240	26 USC 0117 (d) Qualified Tuition Reductions (Section 532 of the Tax Reform Act of 1984)	1545-AI13

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2241	26 USC 0119 (d) Income Tax--Tax Treatment of Faculty Housing	1545-AJ21
2242	26 USC 0130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
2243	26 USC 0132 Income Tax--Prizes and Awards	1545-AJ19
2244	26 USC 0141 Income tax--Definition of "private activity bond"	1545-AJ34
2245	26 USC 0142 Tax-exempt bonds for residential rental projects	1545-AJ66
2246	26 USC 0144 Income tax--Student Loan Bonds	1545-AJ42
2247	26 USC 0148 Arbitrage restrictions on tax-exempt bonds; Rebate requirement	1545-AJ67
2248	26 USC 0148 General Arbitrage Restrictions of Tax-exempt bonds	1545-AJ81
2249	26 USC 0162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2250	26 USC 0162 (g) Definition of Related Violation	1545-AK83
2251	26 USC 0163 Income Tax Regulations--Limitations on deductions for nonbusiness interest	1545-AK17
2252	26 USC 0168 Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
2253	26 USC 0170 Income Tax -- to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2254	26 USC 0170 Final Regulations relating to the charitable contributions deduction in the context of bargain sales	1545-AJ85
2255	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2256	26 USC 0195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2257	26 USC 0216 Provisions Relating to Cooperative Housing Corporations	1545-AJ96
2258	26 USC 0219 Income Tax -- Part 1, Excise Tax -- Part 54, Individual Retirement Accounts after TRA '86	1545-AK47
2259	26 USC 0246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
2260	26 USC 0263A Practical capacity	1545-AK56
2261	26 USC 0274 Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2262	26 USC 0280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2263	26 USC 0302 Waiver of Family Attribution by Entities	1545-AF13
2264	26 USC 0336 Cross-reference--Recognition of gain or loss on liquidating sales and distributions of property (TRA 1986; [631 to 633)	1545-AK90
2265	26 USC 0338 Income Tax--Application of Installment Method to deemed sale of assets	1545-AK25
2266	26 USC 0367 Transfer of Intangibles subject to Section 367 or 482 of the Code	1545-AJ91
2267	26 USC 0367 (b) Foreign Liquidations and Reorganizations (NPRM)	1545-AJ78
2268	26 USC 0368 Income Tax--Cross-reference-reorganizations involving financially troubled thrift institutions	1545-AB29
2269	26 USC 0368 Corporate Reorganization Amendments - Bankruptcy Tax Act of 1980	1545-AK33
2270	26 USC 0382 Income Tax--Limitation on Corporate Net Operating Loss Deduction	1545-AI99
2271	26 USC 0382 Income Tax--Ownership Change	1545-AJ00
2272	26 USC 0401 Defined Benefit Plan Terminations and the Reversion of Assets	1545-AF81
2273	26 USC 0401 (k) Cash or Deferred Arrangements (Tax Reform Act of 1986)	1545-AI79
2274	26 USC 0401 (L) Income Tax -- Part 1-- Application of Nondiscrimination rules to integrated plans	1545-AI86
2275	26 USC 0401 (m) Nondiscrimination requirements for employer matching contributions and employee contributions	1545-AI80
2276	26 USC 0401(a)(26) Income Tax - - Part 1--Additional Participation Requirements	1545-AK46
2277	26 USC 0401(a)(4) Study of Need for Special Antidiscrimination Rules for Pension, Etc. Plans of State and Local Governments	1545-AK44
2278	26 USC 0403 Nondiscrimination and other Rules Applicable to Section 402(b) Annuities	1545-AI90
2279	26 USC 0404 Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
2280	26 USC 0408 Study of Need for Regulations Relating to Simplified Employee Pensions as Affected by the Tax Reform Act of 1986	1545-AK45
2281	26 USC 0409 Income Tax--Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
2282	26 USC 0409 Inc. Tax -- Part 1; Estate Tax -- Part 20, Employee Stock Ownership Plan rules Affected by TRA 1986	1545-AI87
2283	26 USC 0410 Retirement Equity Act Changes to Participation, Vesting, etc. Rules	1545-AH03
2284	26 USC 0410(b) Coverage and separate lines of business rules	1545-AK41
2285	26 USC 0411 Rules Clarifying the Income Tax Regulations, Part 1, with Respect to Service Computation Under Pension, etc. Plans	1545-AE39
2286	26 USC 0411 Income Tax-Part I - Reduction of Accrued Benefits To Qualify for a Standard Termination of a Single Employer Defined Benefit Pension Plan	1545-AI46
2287	26 USC 0411 Inc. Tax -- Part 1 -- Benefit Accrual Beyond Normal Retirement Age	1545-AI85
2288	26 usc 0411 Income Tax - Part 1 - Minimum Vesting Standards	1545-AI88
2289	26 USC 0412 Income Tax-Part 1 - Variance From Minimum Funding Standard	1545-AI55
2290	26 USC 0414 Income Tax--Definitions and Special Rules; Service for Predecessor	1545-AD87
2291	26 USC 0414 Income Tax Regulations--Affiliated Service Groups and Employee Leasing	1545-AE91
2292	26 USC 0414 Definition of "Highly Compensated Employee" and "Compensation"	1545-AI91
2293	26 USC 0415 Limitations on Contributions and Benefits Under Qualified Plans	1545-AK42
2294	26 USC 0417 Joint and Survivor Annuities	1545-AG72
2295	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14

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Sequence Number	Title	Regulation Identifier Number
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2297	26 USC 0442 Inc. Tax--Part 1--Amendment of section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations	1545-AI68
2298	26 USC 0453 Income Tax -- Gain or Loss on the Disposition of an Installment Obligation	1545-AB41
2299	26 USC 0453 Income Tax--Installment Sales Between Related Parties	1545-AB45
2300	26 USC 0453 Income Tax--Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46
2301	26 USC 0453 Income Tax Regulations--Part I. Installment Sales by Nontaxable Entities	1545-AF73
2302	26 USC 0453 Income Tax Regulations--Part 1--Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2303	26 USC 0457 Income Tax -- Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations	1545-AI89
2304	26 USC 0461 (h) Income Tax Regulations--The Economic Performance Requirement	1545-AH32
2305	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2306	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2307	26 USC 0465 Extension of At Risk Limitations to Real Property	1545-AK08
2308	26 USC 0469 Essential issues in connection with limitations on losses and credits from passive activities	1545-AK18
2309	26 USC 0469(k) Limitations on Passive Activity Losses and Credits	1545-AK62
2310	26 USC 0472 Inventory Computed by Use of Consumer or Producer Price Indexes	1545-AF65
2311	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK64
2312	26 USC 0514 Income Tax--Unrelated Trade or Business Income	1545-AE00
2313	26 USC 0585 Bad debt reserves of financial institutions	1545-AJ31
2314	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
2315	26 USC 0612 Income Tax--Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2316	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec: 81 and 82 of The Tax Reform Act of 1984)	1545-AI06
2317	26 USC 0643 Clarification of Section 1.643 (a)-3 relating to the Inclusion of Capital Gain in Distributable Net Income	1545-AI31
2318	26 USC 0672 Income Taxation of Trusts and Estates	1545-AJ20
2319	26 USC 0679 Income Tax--Procedure & Administration--Foreign Trusts Having U.S. Beneficiaries	1545-AB79
2320	26 USC 0702 Income Tax - Application of effective date for new rules regarding deductions for meal, travel, and entertainment to partnerships and S corporations	1545-AK80
2321	26 USC 0704 To Provide Special Rules Concerning Related Party Loans in the Case of Partnership Allocations Attributable to Nonrecourse Debt	1545-AI66
2322	26 USC 0704 (c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2323	26 USC 0706 Income Tax--Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2324	26 USC 0706 (b) Taxable Years of Certain Partnerships	1545-AJ47
2325	26 USC 0707 Income Tax--Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2326	26 USC 0707 Amendment of Income Tax Regulations with Respect to Treatment of Disguised Sales by Partners	1545-AH22
2327	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2328	26 USC 0752 Partner's Share of Partnership Liabilities	1545-AH26
2329	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
2330	26 USC 0846 Income Tax Regulations--Discounting of unpaid losses of property and casualty insurance companies	1545-AJ51
2331	26 USC 0861 Apportionment of Expenses in the FSC and DISC Contexts	1545-AK78
2332	26 USC 0863 Transportation Income Source Rules	1545-AJ68
2333	26 USC 0863 Proposed Income Tax Regulations under the Tax Reform Act of 1986 -- Source of income rules for income derived from space and ocean activities including telecommunications	1545-AJ84
2334	26 USC 0864 (d) Regulations Relating to the Application of Sections 864 and 956 to Related Party International Factoring Transactions	1545-AH85
2335	26 USC 0871 Repeal of 30 Percent Withholding by the Tax Reform Act of 1984	1545-AG66
2336	26 USC 0871 Employment Taxes: Application of the Repeal of 30% Withholding by the Tax Reform Act of 1984 and of Information Reporting and Backup Withholding in Light of Such Repeal	1545-AH15
2337	26 USC 0871(i) Exemptions from withholding of NRA's and Foreign Corporations	1545-AJ59
2338	26 USC 0882 Untimely Filing by Foreign Corporations	1545-AJ74
2339	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and 2nd Level Withholding Taxes	1545-AJ73
2340	26 USC 0887 Imposition of Tax on Gross Transportation Income of Nonresident Aliens and Foreign Corporations	1545-AK76
2341	26 USC 0892(c) Income Tax--Income of Foreign Governments and of International Organizations	1545-AJ79
2342	26 USC 0897 Income Tax--Partnership Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
2343	26 USC 0897 Temporary Regulations--Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AF17

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2345	26 USC 0901 Statute of Limitations - Nationalized Companies	1545-AJ75
2346	26 USC 0904 Separate application of section 904 with respect to certain categories of income	1545-AJ72
2347	26 USC 0905 Income Tax--Procedure & Administration--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC06
2348	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
2349	26 USC 0932 Coordination of U.S. and Virgin Islands taxes	1545-AJ55
2350	26 USC 0936 Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
2351	26 USC 0936(h) Amendment of Section 936(h) with respect to Election of Product	1545-AK77
2352	26 USC 0953(c) Special Rule for Foreign Captive Insurance Companies	1545-AJ70
2353	26 USC 0954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38
2354	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to INTEREST CHARGE DISCs	1545-AG71
2355	26 USC 1031 Rules Relating to the Inapplicability of Section 1031 to Partnership Interests and the Limitation on the Period During Which Like Kind Exchanges May Be Made	1545-AH43
2356	26 USC 1059 Income Tax--Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
2357	26 USC 1060 Income Tax--Special Allocation Rules for certain asset acquisitions	1545-AJ06
2358	26 USC 1092 Income Tax--Tax Straddles	1545-AC21
2359	26 USC 1248 Income Tax--Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2360	26 USC 1253 Income Tax--To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2361	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI59
2362	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2363	26 USC 1286 Income Tax-Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
2364	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
2365	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
2366	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
2367	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2368	26 USC 1367 Income Tax--Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
2369	26 USC 1371 Income Tax--Application of Subchapter C Rules to S Corporations	1545-AE90
2370	26 USC 1374 Cross-reference--Application of section 1374 built-in gain tax to C corporation's electing S corporation status	1545-AK93
2371	26 USC 1377 Income Tax--Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2372	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AC47
2373	26 USC 1502 Income Tax--Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2374	26 USC 1502 Income Tax--Deletion of the requirement of section 1.1502-47 (d) (12) (v) (C) that, in applying tacking rule, profitable and loss life activities not be separated	1545-AI98
2375	26 USC 1502 Cross-reference--Consolidated return investment adjustments with respect to an acquired subsidiary's built-in gains or losses	1545-AK94
2376	26 USC 1504 Income Tax--Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
2377	26 USC 1504 Income Tax -- Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
2378	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
2379	26 USC 2032 Estate Tax--Valuation of Certain Farm, etc. Real Property	1545-AC62
2380	26 USC 263A Capitalization of Certain Pension, etc. Costs	1545-AI92
2381	26 USC 2653 (b) Estate Tax--Generation skipping transfer tax	1545-AJ11
2382	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2383	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
2384	26 USC 3405 Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2385	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2386	26 USC 4041 Election to have certain diesel fuel taxes imposed on sales to retailers	1545-AJ13
2387	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
2388	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI51
2389	26 USC 4081 Excise Tax--Collection of gasoline	1545-AJ09

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Sequence Number	Title	Regulation Identifier Number
2390	26 USC 4481 Reduction of the heavy vehicle use tax for foreign-based trucks	1545-AK98
2391	26 USC 453C Certain indebtedness treated as payment on installment obligations	1545-AJ27
2392	26 USC 4611 Income tax, excise tax, and environmental tax--Imposition of taxes on petroleum, certain chemicals, and corporations and additional excise taxes on certain fuels	1545-AJ23
2393	26 USC 4940 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
2394	26 USC 4943 Foundation Excise Tax-Excess Business Holdings	1545-AG49
2395	26 USC 4980 Excise Tax -- Part 54, Reversion of qualified plan assets to employer	1545-AI82
2396	26 USC 4981 Excise Tax -- Excess distributions from qualified retirement plans	1545-AI81
2397	26 USC 4991 Excise Tax--With Respect to the Definition of Taxable Crude Oil	1545-AD00
2398	26 USC 6011 Electronic filing of tax returns	1545-AL01
2399	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ98
2400	26 USC 6033 Amendment of Section 1.6033-2(g)(5) Relating to Returns by an Integrated Auxiliary of a Church	1545-AI52
2401	26 USC 6039D Returns, etc. on Certain Fringe Benefit Plans	1545-AI22
2402	26 USC 6046A Income Tax Regulations relating to Returns as to Interests in Foreign Partnerships	1545-AK75
2403	26 usc 6049 Income Tax--To require issuers of certificates of deposit to furnish issue price to brokers	1545-AK36
2404	26 USC 6050M Treatment of net capital losses of regulated investment companies and real estate investment trusts-relationships between chapter 44 excise taxes and taxable income	1545-AJ04
2405	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545-AD23
2406	26 USC 6205 Interest on Hospital Insurance Taxes on Wages of State and Local Government Employees	1545-AI50
2407	26 USC 6224 Statement of Procedural Rules to Provide Procedures for Partnership-Level Proceedings with Respect to Partnership Items	1545-AI08
2408	26 USC 6244 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2409	26 USC 6302 To require financial institutions to deposit estimated tax on trusts and estates	1545-AK35
2410	26 USC 6311 Procedure and Administration Regulations--Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
2411	26 USC 6323 Electronic filing of notice of Federal tax lien	1545-AK96
2412	26 USC 6325 Procedure and Administration--Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
2413	26 USC 6404(e) Procedure and Administration - Abatement of Interest	1545-AK71
2414	26 USC 6501 Procedure and Administration Regulations--Extension of the Period for Assessment of Tax in Certain Circumstances	1545-AI23
2415	26 USC 6621 Essential issues in connection with differential interest rates	1545-AK06
2416	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
2417	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2418	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2419	26 USC 6723 Penalty for failure to include correct information on information returns and payee statements	1545-AJ29
2420	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2421	26 USC 7425 Forfeiture of land sales contract with respect to discharge of Federal tax lien	1545-AK24
2422	26 USC 7609 Procedure and Administration - Suspension of Statues of Limitations in Absence of Third-Party Recordkeeper Response to Summons	1545-AK72
2423	26 USC 7701 Income Tax--Investment Credit in Case of Property Used by Tax Exempt Organizations & Governmental Units; Practice &Procedure --Definition of Service Contracts & Other Arrangements	1545-AA23
2424	26 USC 7701 (b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
2425	26 USC 860A Income tax--essential issues relating to real estate mortgage investment conduits	1545-AJ35
2426	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

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Sequence Number	Title	Regulation Identifier Number
2427	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2428	26 USC 0025 Income Tax--Information Reporting for Mortgage Credit Certificates	1545-AI39
2429	26 USC 0025 Substantiation requirement for mortgage interest credit certificates	1545-AK34
2430	26 USC 0028 Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions	1545-AF64
2431	26 USC 0032 Income Tax--Notice to Employees or Earned Income Credit	1545-AJ44
2432	26 USC 0042 Low-income housing credit	1545-AJ65
2433	26 usc 0042 Low-income housing credit for federally-assisted buildings acquired during 10-year period	1545-AK39

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Sequence Number	Title	Regulation Identifier Number
2434	26 USC 0044 Income Tax--Credit for Increasing Research Activities	1545-AA07
2435	26 USC 0046 Income Tax--The Investment Credit for Qualified Progress Expenditures	1545-AA13
2436	26 USC 0047 Income Tax--Tax Treatment of Mass Assets for Investment Credit Purposes	1545-AA10
2437	26 USC 0048 Income Tax--Increase in Investment Tax Credit for Qualified Rehabilitation Expenditures	1545-AA12
2438	26 USC 0048 Income Tax--Definition of Films That Are "Topical or Otherwise Essentially Transitory in Nature"	1545-AA22
2439	26 USC 0048 Income Tax--Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property Is Financed by Subsidized ETC	1545-AA26
2440	26 USC 0056 Corporate alternative minimum tax book income adjustment	1545-AJ14
2441	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL03
2442	26 USC 0061 Income Tax--Nonqualified Salary Reduction Agreements	1545-AA35
2443	26 USC 0061 Income Tax--Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits	1545-AH73
2444	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ48
2445	26 USC 0071 Treatment of Transfer of Property between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AI49
2446	26 USC 0101(d) Income Tax Regulations--Mortality tables to be used to determine amount held by insurer with respect to a beneficiary	1545-AK15
2447	26 USC 0103 Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2448	26 USC 0103 Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
2449	26 USC 0103 Income Tax--Mortgage Subsidy Bonds	1545-AA63
2450	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18
2451	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2452	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2453	26 USC 0103 Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AK10
2454	26 USC 0103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2455	26 USC 0103 (c) Amendment of Regulations Relating to Arbitrage on Nonpurpose Obligations to Reflect Section 624 of TRA of 1984	1545-AH07
2456	26 USC 0120 Income Tax--Prepaid Legal Expenses	1545-AD62
2457	26 USC 0125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
2458	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2459	26 USC 0131 Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2460	26 USC 0146 (n) To Provide Regulations Relating to the State Volume Cap on Private Activity Bonds	1545-AH62
2461	26 USC 0149 Information reporting for tax-exempt bonds	1545-AJ63
2462	26 USC 0162 (k) Continuation Coverage Requirements of Group Health Plans	1545-AI93
2463	26 USC 0163 Income Tax Regulations--Limitations on deductions for nonbusiness interest	1545-AK16
2464	26 USC 0165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2465	26 USC 0168 Income Tax--Accelerated Cost Recovery System	1545-AA87
2466	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
2467	26 USC 0170 Deductions in Excess of $5,000 Claimed for Certain Charitable Contributions of Property and Information Reporting by Donees Who Make Certain Dispositions of Donated Property	1545-AG86
2468	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
2469	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
2470	26 USC 0263 A (f) Temporary Regulation--Capitalization of Certain Interest Expenses	1545-AK03
2471	26 USC 0263A Capitalization and inclusion in inventory costs of certain expenses	1545-AK05
2472	26 USC 0267 Regulations Under Section 267 of the Code to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
2473	26 USC 0269 Income Tax--Personal Service Corporations	1545-AF11
2474	26 USC 0274 Income Tax--Deductibility of Gifts by Employers	1545-AB06
2475	26 USC 0274 (d) Income Tax--Substantiation requirements with respect to listed property and substantiation requirements relating to the taxation of fringe benefits	1545-AJ40
2476	26 USC 0280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2477	26 USC 0280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
2478	26 USC 0336 Income Tax--Part 1 Temporary Regulations-Recognition of gain or loss liquidating sales and distributions of property (TRA 1986, [[631 to 633)	1545-AJ01
2479	26 USC 0336 Certain stock sales and distributions treated as asset transfers	1545-AK30
2480	26 USC 0338 Deemed Sale Price When Certain Stock Purchases Are Treated as Asset Acquisitions	1545-AF29
2481	26 USC 0338 Income Tax-Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38

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2482	26 USC 0338 Regulations Under Section 338 (h) (10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
2483	26 USC 0338 Income Tax--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AG13
2484	26 USC 0338 Questions and Answers Relating to Domestic Matters under Section 338 of the Internal Revenue Code of 1954 - Cross Reference to the Temporary Regulations	1545-AH88
2485	26 USC 0338 Statements of Election and due Dates	1545-AI53
2486	26 USC 0338 Income Tax--Application of Installment method to deemed sale of assets	1545-AJ07
2487	26 USC 0338 Treatment of an affiliated group of corporations as a selling consolidated group for purposes of elective recognition under section 338 (h) (10)	1545-AK32
2488	26 USC 0355 Income Tax--Distribution of Stock and Securities of a Controlled Corporation	1545-AB20
2489	26 USC 0358 Income Tax--Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2490	26 USC 0367 Income Tax--Treatment of Exchanges Described in Section 367 (b)	1545-AB26
2491	26 USC 0367 Amendment of the Income Tax Regulations under Section 367 of the Code (transfers to foreign corporations) to reflect section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AK74
2492	26 USC 0367 (b) Foreign Liquidations and Reorganizations (Temporary Regulations)	1545-AJ76
2493	26 USC 0367(b) Income Tax--Part 1--Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32
2494	26 USC 0368 Income Tax--Temporary Regulations--Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB28
2495	26 USC 0368 Income Tax--Exchange Funds	1545-AB31
2496	26 USC 0382 Income Tax--Ownership Change	1545-AJ08
2497	26 USC 0382 Computation of Section 382 Limitation	1545-AK87
2498	26 USC 0383 Special limitations on certain credit and loss carryovers	1545-AK28
2499	26 USC 0401 Income Tax--Refund of Mistaken Contributions	1545-AD68
2500	26 USC 0401 Certain Cash or Deferred Arrangements	1545-AD72
2501	26 USC 0401 Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2502	26 USC 0401 Notice, Election, and Consent Rules under the Retirement Equity Act of 1984	1545-AH80
2503	26 USC 0402 Income Tax--Treatment of Certain Lump Sum Distributions	1545-AD73
2504	26 USC 0404A Income Tax--Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
2505	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
2506	26 USC 0410 Income Tax - Temporary Regulations on Minimum Vesting Standards	1545-AK43
2507	26 USC 0411 Income Tax--Coordination of Vesting and Nondiscrimination Requirements for Qualified Plans	1545-AD83
2508	26 USC 0411 Survivor benefits, distribution restrictions and various other issues under the Retirement Equity Act of 1984	1545-AH01
2509	26 USC 0411 Income Tax-Part 1 - Reduction of Accrued Benefits To Qualify for a Standard Termination of a Single Employer Defined Benefit Pension Plan	1545-AI48
2510	26 USC 0412 Income Tax--Excise Tax Regulations--Funding for Qualified Plans	1545-AD84
2511	26 USC 0414 Income Tax--Definitions & Special Rules	1545-AB35
2512	26 USC 0414 Income Tax--Employees of an Affiliated Service Group	1545-AD90
2513	26 USC 0414(q) Definition of "highly compensated employee" and "compensation"	1545-AK40
2514	26 USC 0422A Income Tax--Creation & Treatment of Incentive Stock Options	1545-AB36
2515	26 USC 0441 Taxable Years of Certain Entities	1545-AK61
2516	26 USC 0448 Limitation of the use of the cash method of accounting	1545-AJ52
2517	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
2518	26 USC 0453 Income Tax--General Rules Relating to Installment Sales	1545-AB42
2519	26 USC 0453 Income Tax--Installment Obligations Received from a Liquidating Corporation	1545-AB43
2520	26 USC 0453 Income Tax--Installment Obligations Received in Transactions in which Gain or Loss is Generally Not Recognized	1545-AB44
2521	26 USC 0453 Income Tax--Installment Method Reporting by Dealers in Personal Property	1545-AB47
2522	26 USC 0453a Income Tax Regulations--Part 1. Installment Sale by Dealers in Personal Property	1545-AF71
2523	26 USC 0458 Income Tax--Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
2524	26 USC 0460 Accounting for long-term contracts	1545-AJ28
2525	26 USC 0461 (h) Temporary Income Tax Regulations--The Economic Performance Requirement	1545-AH33
2526	26 USC 0464 Income Tax--Limitation on Deductions in Case of Farming Syndicates	1545-AB51
2527	26 USC 0465 Income Tax--Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52
2528	26 USC 0465 Aggregation of Certain Activities	1545-AI41
2529	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
2530	26 USC 0468A Income Tax Regulations -- Special Rules Relating to Nuclear Decommissioning Costs	1545-AI01
2531	26 USC 0472 Income Tax--Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting	1545-AB55
2532	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK65

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Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2533	26 USC 0501 Income Tax--Rules Clarifying the Regulations With Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
2534	26 USC 0593 Income Tax--Limitation on Additions to Bank Loss Reserves	1545-AB66
2535	26 USC 0613A Income Tax--Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
2536	26 USC 0613A Income Tax--To Conform to Sec 3 of the Act of 12/28/80	1545-AB74
2537	26 USC 0702 Income Tax - Application of effective date for new rules regarding deductions for meal, travel, and entertainment to partnerships and S corporations	1545-AK85
2538	26 USC 0706 (b) Taxable years of Certain Partnerships (temporary)	1545-AJ46
2539	26 USC 0807 (d) Mortality and Morbidity Tables to be used for Insurance Products for which there are not applicable commissioner's tables	*1545-AK04
2540	26 USC 0817 Income Tax Regulations-Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG79
2541	26 USC 0832 Treatment of Salvage and Reinsurance in determining Losses of Property and Casualty Insurance Companies	1545-AK48
2542	26 USC 0846 Temporary Income Tax Regulations--Discounting of unpaid losses of property and casualty insurance companies	1545-AI96
2543	26 USC 0871 Income Tax--Original Issue Discount	1545-AB93
2544	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and Second Level Withholding Taxes (Temporary Regulations)	1545-AJ77
2545	26 USC 0904 Income Tax--Recapture of Overall Foreign Losses	1545-AC05
2546	26 USC 0905 Income Tax--Temporary Regulations--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2547	26 USC 0924 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16
2548	26 USC 1058 Income Tax--Transfers of Securities Under Certain Agreements	1545-AC20
2549	26 USC 1060 Income Tax--Special Allocation Rules for Certain Asset Acquisitions	1545-AJ03
2550	26 USC 1092 (b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
2551	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
2552	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
2553	26 USC 1256(e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI72
2554	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
2555	26 USC 1374 Temporary Regulation--Application of section 1374 Built-in Gain tax to C corporation's electing S corporation status	1545-AK91
2556	26 USC 1378 Income Tax--Certain Elections Under the Subchapter S Revision Act of 1982	1545-AF30
2557	26 USC 1402 (e) Applications for exemption from self-employment taxes for ministers, etc	1545-AJ94
2558	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
2559	26 USC 1502 Income Tax--Credit & Deductions etc., for Consolidated Returns	1545-AC48
2560	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AI58
2561	26 USC 1502 Temporary Regulations-Consolidated return investment adjustments with respect to an acquired subsidiary's built-in gains or losses	1545-AK95
2562	26 USC 1504 Cross-reference--Alaska Native Corporations; Requirements for affiliation in order to file a consolidated return	1545-AK88
2563	26 USC 1563 Income Tax--To Reflect the U.S. Supreme Court in U.S. v. Vogel Fertilizer Co., Holding that Each Member of Stockgroup must Own Stock in Each Brother-Sister Corp	1545-AC59
2564	26 USC 2036 Estate & Gift Taxes--Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2565	26 USC 2056 Estate and Gift Taxes--Increase in Limitations on Marital Deductions	1545-AC67
2566	26 USC 2653 (b) Estate Tax--Generation Skipping Transfer Tax	1545-AJ12
2567	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2568	26 USC 3402 Submission of certain withholding exemption certificates and entitlements to additional withholding exemption	1545-AJ30
2569	26 USC 3406 To Provide Temporary Regulations Relating to Backup Withholding Where the Service Notifies Payor to Withhold Due to an Incorrect Taxpayer Identification Number	1545-AF90
2570	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
2571	26 USC 4041 Sales of diesel and special motor fuel from unattended locations	1545-AK99
2572	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
2573	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI62
2574	26 USC 4081 Manufacturers and Retailers Excise Taxes--Taxes on Fuels, Tires and Gasoline	1545-AF58
2575	26 USC 4481 Reduction of the heavy vehicle use tax for foreign-based trucks	1545-AK97

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2576	26 USC 453C Transitional rules relating to indebtedness treated as payment on installment obligations	1545-AK54
2577	26 USC 4911 Income Tax--Lobbying by Public Charities	1545-AE02
2578	26 USC 4977 Excise Tax--Election to Aggregate Lines of Business for Purposes of Certain Fringe Benefit Exclusions	1545-AI63
2579	26 USC 4991 Excise Tax--Definition of Newly Discovered Oil	1545-AC96
2580	26 USC 4992 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2581	26 USC 4993 Excise Tax--Incremental Tertiary Oil	1545-AD04
2582	26 USC 4994 Excise Tax--Oil From a Stripper Well Property	1545-AD01
2583	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2584	26 USC 6011 Elimination of Form 941 Filing Requirement for Quarters in Which Seasonal Employers Pay no Wages	1545-AI56
2585	26 USC 6011 Excise Tax -- Part 54 -- Procedure and Administration-- Part 301 -- Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI83
2586	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
2587	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ97
2588	26 USC 6041 Information Reporting of Allowances, or Reimbursements, or Charges for Travel and Other Expenses of Public Sector Employees and Certain Other Persons	1545-AI42
2589	26 USC 6045 Information Returns of Brokers	1545-AG02
2590	26 USC 6045 Information Returns of Brokers	1545-AG52
2591	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ25
2592	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AG93
2593	26 USC 6050J Final Regulations Relating to Reports of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2594	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2595	26 USC 6157 Time and Manner of Making Quarterly Payments of the Railroad Unemployment Repayment Tax (NPRM)	1545-AI60
2596	26 USC 6205 Interest on Hospital Insurance Taxes on Wages of State and Local Government Employees	1545-AI45
2597	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2598	26 USC 6241 Small S Corporation exception and definition of Subchapter S item	1545-AJ99
2599	26 USC 6302 Income Tax--Deposit of Estimated Income Tax by Certain Private Foundations and Tax-Exempt Organizations	1545-AJ43
2600	26 USC 6323 Electronic filing of notice of Federal tax lien	1545-AL00
2601	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
2602	26 USC 6402 Procedure and Administrative--Reduction of Tax Overpayments by amount of past due legally enforceable debt owed to Federal Agency	1545-AK12
2603	26 USC 6404(e) Procedure and Administration - Abatement of Interest	1545-AK70
2604	26 USC 6611 Procedure and Administration Regulations--Modifications of Interest Payments for Certain Periods	1545-AF10
2605	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
2606	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2607	26 USC 6723 Penalty for failure to include correct information on information returns and payee statements	1545-AJ26
2608	26 USC 7103 (b) Procedure and Administration--Property seized by the Internal Revenue Service under the Money Laundering Control Act of 1986	1545-AL04
2609	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information between Franchisees who Jointly Operate a Tax Service	1545-AH91
2610	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
2611	26 USC 7805 Effective Dates and Other Questions Arising Under Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AI21
2612	26 USC 7871 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2613	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72
2614	26 USC 9999 Income Tax--Maritime Capital Construction Fund	1545-AD46

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Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2615	26 USC 0023 Income Tax--Joint Ownership of Energy Items & Renewable Energy Source Expenditures for Purposes of the Residential Energy Credit to Conform to Secs 201(a) & 202 of the ETC	1545-AA03
2616	26 USC 0032 Income Tax--Notice to employees of earned income credit	1545-AI77
2617	26 USC 0042 Low-income housing credit	1545-AJ64
2618	26 USC 0048 Income Tax--Amendment of [1.48-9 (c)(10),(d),&(e) to partially remove the limitation on the business energy credit for equipment that uses energy from both a qualified and a nonqualified source	1545-AI97
2619	26 USC 0056 Corporate Alternative Minimum Tax Book Income Adjustment	1545-AK19
2620	26 USC 0066 Income Tax--Part 1--Treatment of income of certain Innocent Spouses in Community Property States	1545-AK55
2621	26 USC 0072 Income Tax--Early Withdrawals from Deferred Annuities	1545-AF08
2622	26 USC 0101 Income Tax--Flexible Premium Contracts	1545-AF28
2623	26 USC 0103 (o) Private Loan Bonds	1545-AH97
2624	26 USC 0118 Income Tax--Contributions in Aid of Construction for Certain Utilities	1545-AA71
2625	26 USC 0149 Information reporting for tax-exempt bonds	1545-AJ62
2626	26 USC 0162 (k) Continuation Coverage Requirement of Group Health Plans	1545-AI94
2627	26 USC 0163 Allocation of Interest Expense Among Expenditures	1545-AK09
2628	26 USC 0168 Accelerated Cost Recovery System--Replacement- Retirement-Betterment (RRB) Property	1545-AJ22
2629	26 USC 0263A Practical capacity	1545-AK58
2630	26 USC 0280 Income Tax--Amortization of Production Cost of Motion Pictures, Books, Records, and Other Similar Property	1545-AB08
2631	26 USC 0367 Amendment of the Income Tax Regulations Under Section 367 of the Code (Transfers to Foreign Corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AG68
2632	26 USC 0441 Limitations on Accounting Period Changes	1545-AK59
2633	26 USC 0448 Limitation on the use of the cash method of accounting	1545-AK53
2634	26 USC 0461 (i) Temporary Income Tax Regulations--Taxable Year of Deduction for Amounts Paid by Cash Method Tax Shelters	1545-AH31
2635	26 USC 0461 (i) Income Tax Regulations--Taxable Year of Deduction for Amounts Paid by Cash Method Tax Shelters	1545-AH35
2636	26 USC 0463 Income Tax--Part 1--To Provide Regulations relating to the Election for Accrual Vacation Pay under Transitional Rule Provided in Section 91(i) of TRA 1984	1545-AK51
2637	26 USC 0467 Income Tax Regulations - Deferred Payments for Use of Property or Services	1545-AG80
2638	26 USC 0473 Income Tax--Part 1. Crude oil Windfall Profit Tax Act of 1980 relating to qualified liquidations of LIFO inventories	1545-AK66
2639	26 USC 0505 Nondiscrimination Requirements under Sections 501 (c) (9) and (20)	1545-AG23
2640	26 USC 0818 Treatment of Graded Premium Policies Under the Approximate Revaluation Method of Recomputing Reserves	1545-AF03
2641	26 USC 0820 Income Tax--To Clarify the Treatment of Certain Amounts Refunded in Reinsurance Transactions	1545-AB86
2642	26 USC 0861 Amendments of regulations to conform to section 861(a)(7) (relating to source of income of underwriting income) as added by section 1036 of Pub. Law 94-455	1545-AK67
2643	26 USC 0904(d) Proposed Regulations Relating to Certain Amounts Treated as Interest for Purposes of the Limitation on the Foreign Tax Credit	1545-AH84
2644	26 USC 0921 FSC General Rules, Requirements, Definitions, and Special Rules	1545-AG67
2645	26 USC 0925 Temporary Regulations Relating to FSC Transfer Pricing Rules, Distributions, Dividends Received Deduction and Other Special Rules for FSCs	1545-AI17
2646	26 USC 103A To Provide Regulations Relating to Extension of Mortgage Subsidy Bonds	1545-AI36
2647	26 USC 1056 Income Tax--Part 1, Basis limitation and recapture of depreciation on player contracts	1545-AK69
2648	26 USC 1372 Income Tax--Treatment of S corporation as a Partnership for Certain Purposes of the Internal Revenue Code of 1954	1545-AE28
2649	26 USC 1402 (e) Applications for exemption from self-employment taxes for ministers, etc	1545-AJ82
2650	26 USC 1504 Temporary Regulations--Alaska Native Corporations; Requirements for affiliation in order to file a consolidated return	1545-AK89
2651	26 USC 263A Capitalization and inclusion in inventory costs of certain expenses	1545-AI95
2652	26 USC 3121 Empl. Tax--Social Security Tax on Employers of Individuals who Receive Income from Tips	1545-AC76
2653	26 USC 3121 (w) Elections by Churches and Qualified Church-Controlled Organizations to Exclude Service Performed in Their Employ from Employment	1545-AH63
2654	26 USC 3121(v) Notice of proposed rulemaking relating to the application of Medicare tax to newly hired state and local government employees	1545-AI76
2655	26 USC 3402 Submission of certain withholding exemption certificates and entitlement to additional withholding exemption	1545-AJ32
2656	26 USC 3406 Regulations on Backup Withholding in Case of a Notified Payee Underreporting	1545-AH83
2657	26 USC 3406 Temporary Regulations on backup withholding in case of a notified payee underreporting	1545-AJ33
2658	26 USC 6011 Excise Tax--Part 54 -- Procedure and Administration--Part 301--Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI84
2659	26 USC 6011 (e) Returns required on magnetic media	1545-AJ50
2660	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AK60

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Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2661	26 USC 6046 Income Tax--Regulations Relating to Returns as to Interests in Foreign Partnerships	1545-AE47
2662	26 USC 6053 Employee Tip Reporting and Substantiation Requirements	1545-AH24
2663	26 USC 6112 Procedure and Administration--Part 301--Regulations relating to the Requirement to Maintain a list of Investors in Potentially Abusive Tax Shelters	1545-AK52
2664	26 USC 6157 Time and Manner of Making Quarterly Payments of the Railroad Unemployment Repayment Tax (Temporary)	1545-AI73
2665	26 USC 6221 Miscellaneous provisions relating to the tax treatment of partnership items	1545-AJ88
2666	26 USC 6231 (c) (1) Special Rules for Certain Refund Claims Treated as Special Enforcement Areas Under Rules for Consolidated Partnership Proceedings	1545-AH00
2667	26 USC 6402 Procedure and Administration--Reduction of Tax Overpayments by amount of past-due legally enforceable debt owed to Federal Agency	1545-AK13
2668	26 usc 6655 Income Tax--Exception to corporate estimated tax penalty for certain installment payments due before July 1, 1987	1545-AK37
2669	26 USC 6851 Amendment of the Income Tax Regulations Under Section 6851(d) Dealing with Certificates of Compliance with the Income Tax Laws Issued to Aliens Departing the United States	1545-AF80
2670	26 USC 7701 Procedure and Administration--Part 301--Inclusion of Nonrecourse Indebtedness in Fair Market Value of Property for Purposes of Determining Gain or Loss	1545-AK68

DEPARTMENT OF THE TREASURY (TREAS) — Prerule Stage

Internal Revenue Service (IRS)

2183. STATEMENT OF PROCEDURAL RULES--MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601; 26 CFR 602

Legal Deadline: None.

Abstract: The document contains miscellaneous amendments to the Statement of Procedural Rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco and Firearms. Some amendments update the SPR to reflect changes in nomenclature. The other amendments are described in the order of the sections of the SPR being amended.

Timetable:

Action	Date	FR Cite
Statement of Procedural Rules	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-257-83.

Drafting Author: B. Faye Easley (202) 343-0232.

Reviewing attorneys: George H. Bradley (202) 343-0231 and Charles Whedbee (202) 566-3458.

Agency Contact: **Brenda Faye Easley**, Paralegal Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 343-0232**

RIN: 1545-AJ53

2184. MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Legal Deadline: None.

Abstract: Amends two separate paragraphs in the statement of procedural rules to conform with recent revenue procedures.

Timetable:

Action	Date	FR Cite
Statement of procedural rules	09/15/87	

Small Entity: No

Additional Information: LR-9-87

Drafting attorney: George H. Bradley (202) 343-0231.

Reviewing attorney: Charles Whedbee (202) 566-3458.

Agency Contact: **George H. Bradley**, Chief, Technical Section, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 343-0231**

RIN: 1545-AJ95

2185. TAXATION, VALUATION, AND REPORTING OF "FREQUENT FLYER" OR SIMILAR BONUS PAYMENTS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will require information reporting with respect to "frequent flyer" or similar bonus payments in order to increase compliance. The regulation will also provide valuation rules to assist taxpayers in valuing the bonuses.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/87	

Small Entity: Undetermined

Additional Information: LR-79-86

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: Susan Scherbel (202) 535-6965.

TREAS—IRS **Prerule Stage**

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK02

2186. QUALIFIED 50L (C) (3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for qualified 501 (c) (3) bonds.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-84-86.

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ39

2187. STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-85-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ37

2188. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide rules for tax-exempt entity leasing.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	
Final Action	03/01/88	

Small Entity: Not Applicable

Additional Information: LR-166-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ36

2189. MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide rules concerning the accelerated cost recovery system

Timetable:

Action	Date	FR Cite
ANPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-86-86.

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ38

2190. CAPITALIZATION OF CERTAIN INTEREST EXPENSES-- NOTICE OF PROPOSED RULEMAKING

Legal Authority: 26 USC 263A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-121-86.

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK01

2191. ● CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/88	
ANPRM Comment Period End	05/01/88	

Small Entity: Not Applicable

Additional Information: LR-52-87

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Prerule Stage**

Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK29

2192. ● TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	
ANPRM Comment Period End	02/01/88	

Small Entity: Not Applicable

Additional Information: LR-50-87

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (20) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK31

2193. ● COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
ANPRM Comment Period End	11/01/87	

Small Entity: Not Applicable

Additional Information: LR-67-87

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Richard D'Avino (202) 566-5455.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK27

2194. ● SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
ANPRM Comment Period End	11/01/87	

Small Entity: Not Applicable

Additional Information: LR-69-87

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Richard D'Avino (202) 566-5455.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK26

2195. ● TREATMENT OF SALVAGE AND REINSURANCE IN DETERMINING LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7005 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the treatment of salvage and reinsurance recoverable in determining the paid and unpaid losses of property and casualty insurance companies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-65-87

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK49

2196. INCOME TAX - INTEREST AND DIVIDENDS OF 80-20 COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules with respect to the sourcing of dividends and interest paid by so-called "80-20" companies, that is, companies with 80% or more foreign source income.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-950-86

Drafting Attorney: Riea Lainoff (202) 566-3289

Reviewing Attorney: Phyllis E. Marcus (202) 566-3289

Treasury Attorney: Mary Bennett (202) 566-2964

Agency Contact: Riea Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ58

2197. SOURCE RULES FOR PERSONAL PROPERTY SALES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-946-86

Drafting Attorney: Carol P. Tello (202) 566-3226

Reviewing Attorney: Phyllis E. Marcus (202) 566-3323

Treasury Attorney: Mary Bennett (202) 566-2964

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3226**

RIN: 1545-AJ83

2198. EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMOA OR CNMI

Legal Authority: 26 USC 876 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam the CNMI and American Samoa are granted full authority over their own local income tax systems, with respect to income from sources within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information, and other administrative matters.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-968-86

Drafting Attorney: Lilo A. Hester (202) 287-4851.

Reviewing Attorney: Michael Patton (202) 287-4851.

Treasury Attorney: Peter Barnes (202) 566-5791.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ80

2199. INCOME TAX - RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules with respect whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-948-86

Drafting Attorney: Patricia A. Bray (202) 566-3289.

Reviewing Attorney: Phyllis E. Marcus (202) 566-3289.

Treasury Attorney: David Crowe (202) 566-5791.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ57

2200. FOUR PERCENT TAX ON GROSS TRANSPORTATION INCOME AND ECI

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 887 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Four percent tax in gross transportation income. The regulation will address the circumstances in which persons must pay a transportation on tax on a gross basis, and the circumstances in which they have effectively connected transportation income so that they must file a tax return and pay the tax on a net basis.

TREAS—IRS

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-940-86

Drafting Attorney: David L. Paul (202) 566-3289

Reviewing Attorney: John F. Dean (202) 566-3289

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: David L. Paul, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AJ60

2201. AMENDMENT OF SECTION 1.901-2(E)(3)

Legal Authority: 26 USC 901(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules to implement 1986 Tax Act amendment to Section 901 concerning certain tax subsidiaries used by foreign governments. Proposal will deny foreign tax credit to the extent that there is a subsidy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: INTL-942-86

Drafting Attorney: Charles P. Besecky (202) 566-3319.

Reviewing Attorney: Benedetta A. Kissel (202) 566-3179.

Treasury Attorney: David Crowe (202) 566-5791.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545-AJ90

2202. INCOME TAX REGULATIONS UNDER SECTION 121 OF THE TAX REFORM ACT OF 1984 RELATING TO RESOURCING CERTAIN AMOUNTS RECEIVED FROM A U.S. OWNED FOREIGN CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the resourcing of section 951 and 551 inclusions, and interest and dividends from certain U.S. owned foreign corporations. The regulations will provide rules for determining what interest amounts will be subject to resourcing.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-931-86

Drafting attorney: Marnie J. Carro (202) 566-3499 and Carolyn Dupuy (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545-AI33

2203. SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the separate application of the foreign tax credit limitation with respect to certain categories of income. The regulation will define the separate limitations, provide operational rules for determining the separate limitations (including look-through rules) and provide certain transition rules.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-931-86

Drafting Attorneys: Carolyn Dupuy (202) 566-3289

Marnie Carro (202) 566-3499

Reviewing Attorney: Carol Doran Klein (202) 566-6419

Treasury Attorney: Peter Daub

Agency Contact: Carolyn M. Dupuy & Marnie J. Carro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AJ69

2204. SUBPART F - USE OF DEFICITS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 955 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the extent to which the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for any taxable years may be reduced by the shareholder's share of qualified deficits. The regulation also will provide rules for applying the section 954(b)(3) deminimus and full inclusion rule and the section 954(b)(4) exception for certain income subject to high foreign tax and certain other rules concerning miscellaneous changes to the Subpart F provisions.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-954-86

Drafting Attorney: Carolyn Dupuy (202) 566-3289

Reviewing Attorney: Phyllis E. Marcus (202) 566-3323

Treasury Attorney: Peter Daub (202) 566-5711

Agency Contact: Carolyn M. Dupuy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ71

2205. SUBPART F FPHC DEFINITIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Definition of FPHC income. Particular issues include the definition of income equivalent to interest, of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-953-86

Drafting Attorney: David L. Paul (202) 566-3289

Reviewing Attorney: Phyllis Marcus (202) 566-3289

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: David L. Paul, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ61

2206. CUSTOMS LIMITATION ON TAXPAYER'S BASIS IN PROPERTY IMPORTED FROM RELATED PERSONS

Legal Authority: PL 99-514, Sec 1248

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Prior to the Tax Reform Act of 1986 importers could claim a transfer price for customs purposes that was too low to be consistent with the price they claim for income tax purposes. Section 1248 of the Tax Reform Act of 1986 addressed this problem by enacting Section 1059A of the Internal Revenue Code, under which importers cannot claim a transfer price for income tax purposes that is higher than would be consistent with the value they claim for customs purposes. Regulations will be needed to provide rules for coordinating customs and tax valuation principles. It is anticipated that as a result of Section 1059A of the Internal Revenue Code, some taxpayers will claim higher transfer prices for customs purposes. No estimate has been made of the revenue.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/87	

Small Entity: Not Applicable

Additional Information: INTL-960-86

Drafting Attorney: W. Edward Williams (202) 287-4851

Reviewing Attorney: George Sellinger (202) 287-4851

Treasury Attorney: Stephen Shay (202) 566-5046

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ92

2207. DUAL RESIDENT COMPANIES LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: If a U.S. Corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a U.S. affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for U.S. purposes, its loss will be available to offset income of that corporation in other years, but not income of another U.S. Corporation. Regulations may exempt a U.S. corporation from this rule to the extent that its losses do not offset the income of foreign corporations for foreign tax purposes.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-992-86

Drafting Attorney: Riea M. Lainoff (202) 566-3289

Reviewing Attorney: Phyllis Marcus.

Treasury Attorney: David Crowe (202) 566-8275.

Agency Contact: Riea Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ54

2208. INFORMATION REGARDING RESIDENT STATUS: WITHHOLDING ON CERTAIN DEFERRED PAYMENTS OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 3405 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on Passport and Green card applicants and the penalties to be imposed on the applicant if the applicant does not supply the information to the State Department or Immigration and Naturalization Service. The regulations under 26 USC 3405 will provide circumstances under which an election for no withholding on employer deferred compensation plan payments may not be made.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: INTL-956-86

Drafting Attorney: Helen M. Lokey (202) 287-4851

Reviewing Attorney: Michael F. Patton (202) 287-4851

Treasury Attorney: David Crowe (202) 566-8275

Agency Contact: Helen Lokey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ93

2209. EXCISE TAXES RELATING TO REAL ESTATE INVESTMENT TRUSTS AND REGULATED INVESTMENT COMPANIES UNDER THE TAX REFORM ACT OF 1986

Legal Authority: 26 USC 4981 Internal Revenue Code of 1986; 26 USC 4982 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 55

Legal Deadline: None.

Abstract: The regulation would provide guidance pertaining to the excise taxes relating to real estate investment trusts and regulated investment companies under the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
ANPRM Comment Period End	10/30/87	

Small Entity: Not Applicable

Additional Information: LR-104-86.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ02

2210. INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: PL 99-514, Sec 1245

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Prior to the Tax Reform Act of 1986 foreign controlled foreign corporations doing business in the US and foreign controlled US corporations are required to report transactions with related foreign corporations. The 86 Act requires such entities to report transactions with all related foreign parties, whether or not corporations. The Act also provides a new definition for the term related parties, and requires information necessary to carry out the installment sales rules, as amended by such Act, to also be reported.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	

Small Entity: Yes

Additional Information: INTL-958-86

Drafting Attorney: Charles A. Ray (202) 287-4851.

Reviewing Attorney: Michael F. Patton (202) 287-4851.

Treasury Attorney: Stephen Shay (202) 566-5046.

Agency Contact: Charles A. Ray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ56

2211. REPORTING REQUIREMENTS PERTAINING TO RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050M Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance to the heads of Federal executive agencies for purposes of complying with information and reporting requirements prescribed by section 6050M.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
ANPRM Comment Period End	10/31/87	

Small Entity: Not Applicable

Additional Information: LR-133-86

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Government Levels Affected: Federal

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ05

2212. STATEMENT OF PROCEDURAL RULES--AMENDMENTS TO STATEMENT OF PROCEDURAL RULES--1981-1

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Legal Deadline: None.

Abstract: Semi-annual update of the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Statement of Procedural Rules	06/30/88	

Small Entity: Not Applicable

Additional Information: LR-154-81.

Paralegal Specialist: Carroll Field (202) 566-3935.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Carroll Field, Paralegal Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3935**

RIN: 1545-AD55

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Internal Revenue Service (IRS)

2213. INCOME TAX--DEDUCTION FOR BUS OPERATING AUTHORITIES AND FREIGHT

Legal Authority: 26 USC 1 et seq Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules allowing taxpayers an ordinary deduction ratably over a 60-month period for the adjusted basis of bus operating authorities and freight forwarders held or acquired on certain specified dates.

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	

Small Entity: Not Applicable

Additional Information: LR-110-86

Drafting attorney: Christopher Wilson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Bryan Collins (202) 566-4979.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AJ18

2214. INCOME TAX--UNEARNED OF MINOR CHILDREN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1 (i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules for determining the tax on unearned income of certain minor children.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information:

LR-112-86.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AJ17

2215. ● SUBSTANTIATION REQUIREMENT FOR MORTGAGE INTEREST CREDIT CERTIFICATES

Legal Authority: 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation provides compliance rules for MCCs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-47-87

Drafting Attorney: Robert Beatson (202) 566-3459.

Reviewing Attorney: John Coulter (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D. C. 20224, **202 566-3459**

RIN: 1545-AK38

2216. INCOME TAX--NOTICE TO EMPLOYEES OF EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 32 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the procedures necessary to implement the statutory requirement that employers notify certain employees whose wages are not subject to income tax withholding that they may be eligible for the refundable earned income credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-98-86.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Legislative Counsel attorney: Marjorie Roberts (202) 566-2565.

Duplicate of RIN 1545-AI77

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AK00

2217. ● LOW-INCOME HOUSING CREDIT FOR FEDERALLY ASSISTED BUILDINGS ACQUIRED DURING L0-YEAR PERIOD

Legal Authority: 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation provides rules for federally-assisted buildings acquired during a l0-year period.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-62-87

Drafting Attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AK92

2218. ● LOW-INCOME HOUSING CREDIT FOR FEDERALLY-ASSISTED BUILDINGS ACQUIRED DURING 10-YEAR PERIOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation provides rules for Federally-assisted buildings acquired during a 10-year period.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-62-87

Drafting Attorney: Robert Beatson (202) 566-3459.

Reviewing Attorney: John Coulter (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AL05

2219. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF06

2220. INCOME TAX--ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: Not Applicable

Additional Information: LR-235-82.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AE80

2221. ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will address issues relating to the alternative minimum tax for individuals. The issues addressed will include the adjustment to inventory to take into account alternative tax depreciation, determination of the preference amount for charitable contributions of appreciated property, and application of alternative tax adjustments in determining the alternative tax liability of a trust or estate.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Additional Information: LR-2-87

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-4336**

RIN: 1545-AJ86

2222. ● NET BOOK INCOME ADJUSTMENT FOR U.S. BRANCHES OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules for computing the alternative minimum tax net book income adjustment of a foreign corporation engaged in a trade or business in the United States.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-54-87

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Tax Legislative Counsel Reviewing Attorney: Richard Harvey (202) 535-6960.

International Tax Counsel Reviewing Attorney: Peter Daub (202) 566-5791.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AK22

TREAS—IRS

Proposed Rule Stage

2223. ● NET BOOK INCOME ADJUSTMENT FOR U.S. BRANCHES OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules for computing the alternative minimum tax net book income adjustment of a foreign corporation engaged in a trade or business in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-55-87

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Tax Legislative Counsel Reviewing attorney: J. Richard Harvey (202) 535-6960.

International Tax Counsel Reviewing attorney: Peter Daub (202) 566-5791.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AK23

2224. ● INCOME TAX--INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-85-87

Drafting Attorney: William Jackson (202) 566-4336.

Reviewing Attorney: Ada Rousso (202) 566-3287.

Agency Contact: William Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, **202 566-4336**

RIN: 1545-AL02

2225. INCOME TAX-MINIMUM TAX. ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information: LR-209-78.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA34

2226. ● TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-56-87

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AK20

2227. ● TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-53-87

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AK21

2228. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-97-86.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326

Charles M. Whedbee (202) 566-3458

Susan T. Baker (202) 566-3294.

Treasury attorney: Blake Rubin (202) 566-2927

Don Rocap (202) 566-8278.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AJ49

2229. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: EE-106-82.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jeffrey A. Quinn (202) 566-2175.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE41

2230. ● UPDATE AND GENDER-NEUTRALIZE MORTALITY TABLE USED TO DETERMINE PERMANENT GROUP-TERM LIFE INSURANCE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations will update and gender-neutralize the mortality table used under section 79 to determine the value of permanent group-term life insurance benefits provided to employees.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Undetermined

Additional Information: LR-77-87

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3336.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK50

2231. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and, rules concerning how the requirements will be applied in actual operation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Undetermined

Additional Information: EE-130-86

Drafting Attorney: Steven T. Miller (202) 566-3422

Reviewing Attorney: James L. Brokaw (202) 566-3422

Treasury Attorneys: Harry Conaway (202) 566-8278and Susan Scherbel (202) 535-6963.

Agency Contact: Steven T. Miller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI78

2232. INCOME TAX REGULATIONS--MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101 (d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will prescribe the mortality table to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-135-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK14

2233. TO PROVIDE REGULATIONS UNDER SECTION 147 (B)--RELATING TO LIMITATION ON MATURITY OF PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Rules will provide guidance with respect to computation of weighted average economic life and weighted average maturity. Rules limit the average length of the maturity of all private act activity bonds (including qualified 501 (c) (3) bonds), other than mortgage revenue bonds and student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	03/31/88	

Small Entity: Not Applicable

Additional Information: LR-220-82.

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Gerald Rock (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE69

2234. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-156-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AG84

2235. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposed Regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	12/31/88	

Small Entity: Not Applicable

Additional Information: LR-29-86.

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Gerald Rock (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AI65

2236. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103A-2

Legal Deadline: None.

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-307-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AG88

2237. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This proposal would provide rules relating to certain income from the

discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-91-81.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel reviewing attorney: Patricia McClanahan.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA67

2238. INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information: LR-303-84.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Paul A. Francis (202) 566-3318.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH17

2239. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship or fellowship grant.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Not Applicable

Additional Information: LR-3-87

Drafting attorney: Ruth Hoffman (202) 566-4336.

Reviewing attorney: Margaret O'Connor (202) 566-3287.

Treasury attorney: Majorie Roberts (202) 566-2565.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, N.W., Washington, DC 20224, 202 566-4336

RIN: 1545-AJ87

2240. QUALIFIED TUITION REDUCTIONS (SECTION 532 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information: LR-35-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Gerald Rock (202) 566-3287.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI13

2241. INCOME TAX--TAX TREATMENT OF FACULTY HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the definition of a "qualified appraisal". In addition, the regulations will set forth the time and manner in which the appraisal shall be reviewed and updated.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: Not Applicable

Additional Information:

LR-109-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Susan Scherbel.

Agency Contact: Maurice B. Foley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AJ21

2242. INCOME TAX–PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-82-83.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AF39

2243. INCOME TAX–PRIZES AND AWARDS

Legal Authority: 26 USC 74 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 170 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will incorporate changes with respect to the tax treatment of prizes and awards and certain employee achievement awards. They will provide guidance so that effective designations and transfers of awards may be accomplished as well as rules with respect to allowance of exclusions and deductions for awards given in an employment context.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	

Small Entity: Undetermined

Additional Information: LR-111-86.

Drafting attorney: Christopher J. Wilson (202) 566-4336.

Reviewing attorney: Fredric Grundeman (202) 566-3287.

Treasury attorney: Majorie Roberts (202) 566-2565.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AJ19

2244. INCOME TAX--DEFINITION OF "PRIVATE ACTIVITY BOND"

Legal Authority: 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance regarding the definition of private activity bonds", issued by State or local governmental units, which are generally taxable unless a specific exception applies to such bond issue. The Tax Reform Act of 1986 made significant revisions regarding this subject matter.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-87-86.

Drafting Attorney: John A. Tolleris (202) 566-3590.

Reviewing Attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel attorney: Stern

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3590**

RIN: 1545–AJ34

2245. TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: LR-89-86

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545–AJ66

2246. INCOME TAX--STUDENT LOAN BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (b) Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: To provide guidance to issuers of tax-exempt student loan bonds regarding quarterly with the rules relating to qualified student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entity: Not Applicable

Additional Information: LR-80-86.

Drafting Attorney: Renay France (202) 566-3459.

Reviewing Attorney: John M. Coulter (202) 566-4473.

Treasury Attorney: Elliott Stern (202) 566-2566.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3459**

RIN: 1545–AJ42

TREAS—IRS

Proposed Rule Stage

2247. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS; REBATE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide regulations relating to the requirement that arbitrage profits earned on tax-exempt bonds be paid to the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	

Small Entity: Not Applicable

Additional Information: LR-91-86

Drafting attorneys: Thomas J. Kane (202) 566-3458 and Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Gerald Rock (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Thomas J. Kane, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3458**

RIN: 1545-AJ67

2248. GENERAL ARBITRAGE RESTRICTIONS OF TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to the arbitrage restrictions on tax-exempt bonds, other than the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	

Small Entity: Not Applicable

Additional Information: LR-90-86

Drafting attorneys: Thomas J. Kane (202) 566-3458 and Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Gerald Rock (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Thomas J. Kane, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3458**

RIN: 1545-AJ81

2249. INCOME TAX--TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	

Small Entity: Not Applicable

Additional Information: LR-190-77.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA79

2250. ● DEFINITION OF RELATED VIOLATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations would amend the definition of "related violations" under section 162(g) of the Internal Revenue Code of 1986 in order to update such definition in light of subsequent events.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Additional Information: LR-27-87

Drafting Attorney: Joel S. Rutstein (202) 566-3297.

Reviewing Attorney: John S. Bromell (202) 566-3326.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AK83

2251. INCOME TAX REGULATIONS--LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-137-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Reed Shuldiner (202) 566-6963.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK17

TREAS—IRS

Proposed Rule Stage

2252. INCOME TAX–NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The temporary regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-244-81.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AA88

2253. INCOME TAX – TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Not Applicable

Additional Information: LR-231-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AI09

2254. FINAL REGULATIONS RELATING TO THE CHARITABLE CONTRIBUTIONS DEDUCTION IN THE CONTEXT OF BARGAIN SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide that a charitable contribution deduction will be disallowed if the amount of the contribution is less than the amount of gain that would have been recognized had the contributed portion of the property been sold by the donor of its fair market value at the time of the sale or exchange.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: LR-7-87

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Agency Contact: Joel S. Rustein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3297**

RIN: 1545–AJ85

2255. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-73-84.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AG27

2256. INCOME TAX–TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-36-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB02

2257. PROVISIONS RELATING TO COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules for determining a tenant-stockholder's proportionate share of taxes or interest in the case where the cooperative housing corporation has made the election provided in section 216 (b) (3) (B) of the Code. These regulations also provide rules for determining whether a deduction claimed by a tenant-stockholder should be disallowed as more proper allocable to the corporation's capital account.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-102-86.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AJ96

2258. ● INCOME TAX -- PART 1, EXCISE TAX -- PART 54, INDIVIDUAL RETIREMENT ACCOUNTS AFTER TRA '86

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans and spousal individual retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: EE-26-87

Drafting Attorney: Mary E. Brennan (202) 566-3430.

Review Attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AK47

2259. INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	

Small Entity: Not Applicable

Additional Information: LR-261-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH39

2260. ● PRACTICAL CAPACITY

Legal Authority: 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations provide guidance on specific issues relating to when section 263A applies and whether certain accounting principles are permitted in accounting for the costs of property produced or property acquired for resales.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: Not Applicable

Additional Information: LR-73-87

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Thomas Evans (202) 566-2784.

Agency Contact: Paulette Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK56

2261. INCOME TAX--TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274(h) Internal Revenue Code of 1986; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-114-81.

Drafting attorney: Christopher Wilson (202) 566-4336.

Reviewing attorney: John M. Fischer (202) 566-3394.

Draft of notice to Treasury for review 11/08/82.

Agency Contact: Christopher Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AB04

2262. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 280G

Legal Deadline: None.

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-217-84.

Drafting attorney: Stuart Wessler (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Stuart Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH49

2263. WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302(c)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-189-82.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3487.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF13

2264. ● CROSS-REFERENCE--RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986; [631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for the recognition of gain or loss on a corporations liquidating sales or distributions

Timetable:

Action	Date	FR Cite
NPRM	09/01/88	

Small Entity: Not Applicable

Additional Information:

LR-79-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK90

2265. ● INCOME TAX--APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain how the installment sale method will be applied to a stock acquisition in which a section 338 (h) (10) election is made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-75-81.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK25

2266. TRANSFER OF INTANGIBLES SUBJECT TO SECTION 367 OR 482 OF THE CODE

Legal Authority: PL 99-514, Sec 1231

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Prior to the Reform Act of 1986, U.S. taxpayers were able to shift income out of the U.S. by transferring intangibles to Section 936 possessions corporations, contributing intangibles to related foreign corporations in Section 367 transactions or selling or licensing intangibles to related foreign parties at less than arm's-length prices and transactions subject to section 482. Valuing such transfers (at the time of transfer) has proven to be difficult and non-productive. The Reform Act of 1986 provides that payments to be received by the transferor of intangibles must be commensurate with the income from the intangible. Major issue - What portion of the income from the intangible will constitute "commensurate"? Provisions will raise large amounts of revenue.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Additional Information: INTL-937-86

Drafting Attorney: Bobby D. Burns (202) 287-4851

Reviewing Attorney: George Sellinger (202) 287-4851

Treasury Attorney: Mark Beams (202) 566-0247

Agency Contact: Bobby D. Burns, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ91

2267. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 7

Legal Deadline: None.

Abstract: Proposal would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL-988-86

Drafting Attorney: Richard Chewning (202) 566-3490

Reviewing Attorney: Bernard Bress (202) 566-6440

Office of International Tax Counsel Reviewing Attorney: Steve Shay (202) 566-5046

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AJ78

2268. INCOME TAX--CROSS-REFERENCE-REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would provide regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue intends to interpret these issues.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-63-81.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB29

2269. ● CORPORATE REORGANIZATION AMENDMENTS - BANKRUPTCY TAX ACT OF 1980

Legal Authority: 26 USC 354 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980. Dealing with bankruptcy and other insolvency reorganizations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-74-87.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK33

2270. INCOME TAX--LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 383 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will explain and illustrate the limitations provided under sections 382 and 383 of the Internal Revenue Code of 1986 on a corporations use of certain carryovers, including the net operating loss carryover, the capital loss carryover, and certain credit carryovers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-103-86.

Drafting attorneys: John Broadbent, Keith Stanley, Tom Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202)566-3458.

Treasury attorney: Thomas Wessel (202)566-4979.

Agency Contact: Keith Stanley, John Broadbent, Thomas Kane, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AI99

2271. INCOME TAX--OWNERSHIP CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986, 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance on what constitutes "ownership change under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock ownership (after which the corporation's net operating loss carryovers are limited).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-106-86.

Drafting attorneys: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ00

2272. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: EE-106-83.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AF81

2273. CASH OR DEFERRED ARRANGEMENTS (TAX REFORM ACT OF 1986)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to cash or deferred arrangements brought about because of the amendment of section 401(k) by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: EE-158-86

Drafting Attorney: William D. Gibbs (202) 566-3430.

Reviewing Attorney: Mary E. Oppenheimer (202) 566-3544.

Treasury Attorney: Harry J. Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AI79

2274. INCOME TAX -- PART 1-- APPLICATION OF NONDISCRIMINATION RULES TO INTEGRATED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(l) Internal Revenue Code of 1986; 26 USC 401(a)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988. Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to the application of the nondiscrimination rules to integrated plans.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Undetermined

Additional Information: EE-159-86

Drafting Attorney: Michael Garvey (202) 566-3430.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Treasury Attorney: Harry Conaway (202) 566-8277.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AI86

2275. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to nondiscrimination requirements for employer matching contributions and employee contributions. The regulations will also provide rules on computing the excise tax on excess contributions made under a cash or deferred arrangement and on excess aggregate contributions.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: EE-160-86

Drafting Attorney: William D. Gibbs (202) 566-3430.

Reviewing Attorney: Mary E. Oppenheimer (202) 566-3544.

Treasury Attorney: Harry J. Conaway (202) 566-8278.

Agency Contact: William B. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AI80

2276. ● INCOME TAX - - PART 1--ADDITIONAL PARTICIPATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988. 02/01/88 Deadline for final regulations

Abstract: The regulations set forth rules relating to minimum participation requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Undetermined

Additional Information: EE-44-87

Drafting attorney: Mary E. Brennan (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3205.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AK46

2277. ● STUDY OF NEED FOR SPECIAL ANTIDISCRIMINATION RULES FOR PENSION, ETC. PLANS OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Study of need for rules relating to antidiscrimination for state and local government plans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entity: Not Applicable

Additional Information: EE-51-87

Drafting Attorney: Mary E. Brennan (202) 566-3430.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Mary Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AK44

2278. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 402(B) ANNUITIES

Legal Authority: 26 USC 403(b)(10) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988.

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax- sheltered section 403(b) annuities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-163-86

Drafting Attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing Attorney: Michael A. Thrasher (202) 566-3961.

Treasury Attorneys: Scherbel/Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AI90

2279. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404(a)(9) Internal Revenue Code of 1986; 26 USC 415(c)(6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: EE-152-81.

Drafting attorney: Mary Oppenheimer (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Mary Oppenheimer, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD77

2280. ● STUDY OF NEED FOR REGULATIONS RELATING TO SIMPLIFIED EMPLOYEE PENSIONS AS AFFECTED BY THE TAX REFORM ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 404 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None.

Abstract: Study of need for rules relating to simplified employee pensions as affected by Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entity: Not Applicable

Additional Information: EE-59-87

Drafting Attorney: Mary E. Brennan (202) 566-3430.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Mary E. Brennan, Attoreny, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AK45

2281. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 6699 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD82

2282. INC. TAX -- PART 1; ESTATE TAX -- PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401(a)(28) Internal Revenue Code of 1986; 26 USC 401(a)(23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404(k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None.

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Undetermined

Additional Information: EE-164-86

Drafting Attorney: John Ricotta (202) 566-3544.

Reviewing Attorney: Michael Thrasher (202) 566-3961.

Treasury Attorneys: Susan Scherbel/ Harry Conaway (202) 566-8278.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AI87

2283. RETIREMENT EQUITY ACT CHANGES TO PARTICIPATION, VESTING, ETC. RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-297, Sec 301 Retirement Equity Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules relating to amendments to section 401(a)(25), 402(f), 410, 411, 6057(e), and 6652(j) of the Code, enacted by the Retirement Equity Act of 1984. The regulations will apply changes in the participation and vesting rules to plans that use the elapsed time method of service counting, and to class-year plans. In addition, the rules provide a sample notice that may be used to satisfy section 402(f). Rules governing reductions in accrued benefits will also be provided.

Timetable:

Action	Date	FR Cite
NPRMDocument published is only a portion of total NPRM project	01/30/86	51 FR 03798
Hearing	05/22/86	51 FR 12340
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-95-84.

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AH03

2284. ● COVERAGE AND SEPARATE LINES OF BUSINESS RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986; 26 USC 414(r) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988.

Abstract: Rules relating to minimum coverage requirements and the scope, meaning and application of provisions with respect to separate lines of business.

Timetable:

Action	Date	FR Cite
NPRM	10/30/87	

Small Entity: Not Applicable

Additional Information: EE-128-86

Drafting Attorney: Nancy J. Marks (202) 566-3903.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney Harry J. Conaway (202) 566-4902.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AK41

2285. RULES CLARIFYING THE INCOME TAX REGULATIONS, PART 1, WITH RESPECT TO SERVICE COMPUTATION UNDER PENSION, ETC. PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project was undertaken in order to clarify permissible methods of crediting service by qualified plans for purposes of vesting and participation.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	

Small Entity: Not Applicable

Additional Information: EE-65-82.

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Conaway.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AE39

2286. INCOME TAX-PART I - REDUCTION OF ACCRUED BENEFITS TO QUALIFY FOR A STANDARD TERMINATION OF A SINGLE EMPLOYER DEFINED BENEFIT PENSION PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidelines for reducing accrued benefits for certain key employees in order to qualify for a standard termination of a single-employer defined benefit pension plan.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: EE-48-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Mary Oppenheimer (202) 566-3544.

Cross-referenced with temporary regulations EE-47-86.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AI46

2287. INC. TAX -- PART 1 -- BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411(b)(1)(H) Internal Revenue Code of 1986; 26 USC 411(b)(2) Internal Revenue Code of 1986; 26 USC 410(a)(2) Internal Revenue Code of 1986; 26 USC 411(a)(8)(B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988. Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Undetermined

Additional Information: EE-184-86

Drafting Attorney: Michael Garvey (202) 566-3430

Reviewing Attorney: Richard J. Wickersham (202) 566-3250

Treasury Attorney: Harry Conaway (202) 566-8277

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AI85

2288. INCOME TAX - PART 1 - MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988. Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986"

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: EE-167-86

Drafting Attorney: V.A. Moore (202) 566-3422.

Reviewing Attorney: James Brokaw (202) 566-4173.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI88

2289. INCOME TAX-PART 1 - VARIANCE FROM MINIMUM FUNDING STANDARD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would supersede Rev. Proc. 83-41 and prescribe a standard waiver application form.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Undetermined

Additional Information: EE-42-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Jonathan Marget (202) 566-3651.

Agency Contact: Mary Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3903**

RIN: 1545-AI55

2290. INCOME TAX--DEFINITIONS AND SPECIAL RULES; SERVICE FOR PREDECESSOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulation will provide guidance to employers maintaining plans on when service with a predecessor employer must or may be treated as service under their plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-22-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD87

2291. INCOME TAX REGULATIONS--AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(n)Internal Revenue Code of 1986; 26 USC 414(m)(5)Internal Revenue Code of 1986; 26 USC 414(o)Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Not Applicable

Additional Information: EE-111-82.

Drafting attorney: Michael Garvey (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Conaway.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE91

2292. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE" AND "COMPENSATION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1114 Tax Reform Act of 1986; PL 99-514, Sec 1115 Tax Reform Act of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules relating to the definitions of "highly compensation contained in subsections 414(q) and (s) of The Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Additional Information: EE-129-86

Drafting Attorney: Nancy J. Marks (202) 566-3903.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Office of Legislative Counsel (Treasury reviewing attorneys: Susan Scherbel (202) 566-4902, Harry S. Conaway (202) 566-4902.

Cross Reference to EE-74-87

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AI91

2293. ● LIMITATIONS ON CONTRIBUTIONS AND BENEFITS UNDER QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0415 Internal Revenue Code of 1986; 26 USC 401(a)(17) Internal Revenue Code of 1986; 26 USC 404(1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will address changes to limitations on contributions and benefits under qualified plans, a limit on the annual compensation which may be taken into account, special treatment of certain medical benefit accounts, retirement savings for church employees, and special rules for disabled participants. A special rule applies to participants with less than ten years of participation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-25-87

Drafting Attorney: Monice Rosenbaum (202) 566-3422.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Treasury Attorney: Harry J. Conaway (202) 566-8278.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AK42

2294. JOINT AND SURVIVOR ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 417 Internal Revenue Code of 1986; 26 USC 401(a)(11) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules on how plans which

intend to qualify under section 401 can comply with the qualified joint and survivor annuity rules added to the Code by the Retirement Equity Act of 1984. The regulations will deal with which plans must provide survivor annuities, in what forms the survivor annuities may be paid, the notice and election procedures for survivor annuities and restrictions on a plan's ability to cash out a participant and spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: EE-94-84.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry J. Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG72

2295. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239(d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: EE-66-84.

Drafting attorney: Mark Schwimmer (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-8278.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-6212**

RIN: 1545-AG14

2296. ● TAXABLE YEARS OF CERTAIN ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to S corporations, personal service corporations and partnerships, that must conform their taxable years, in general, to the taxable year of their owners.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Additional Information: LR-45-87

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard Harvey (202) 566-6960.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK63

2297. INC. TAX--PART 1--AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section 1.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: EE-06-86.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:Suzanne Ross McDowell (202) 566-8278.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3422**

RIN: 1545-AI68

2298. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-103-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB41

2299. INCOME TAX--INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-2-81.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-5453.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB45

2300. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-147-82.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB46

2301. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Additional Information: LR-143-83.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF73

2302. INCOME TAX REGULATIONS--PART 1--SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: LR-54-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG37

2303. INCOME TAX -- DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-166-86

Drafting Attorney: Monice Rosenbaum (202) 566-3422.

Reviewing Attorney: James L. Brokaw (202) 566-4173.

Treasury Attorney: Conaway (202) 566-8278.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI89

2304. INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461(h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-258-84.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH32

2305. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-192-78.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Lorry Spitzer (202) 535-6968.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF86

2306. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity. The aggregation rules will apply to taxable years beginning after December 31, 1985.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-108-85.

Drafting attorney: Arthur E. Davis (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: A. Lorry Spitzer (202) 535-6969.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AI02

2307. EXTENSION OF AT RISK LIMITATIONS TO REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Not Applicable

Additional Information: LR-124-86.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK08

2308. ESSENTIAL ISSUES IN CONNECTION WITH LIMITATIONS ON LOSSES AND CREDITS FROM PASSIVE ACTIVITIES

Legal Authority: 26 USC 469 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance to taxpayers on the most essential issues in connection with the computation at a taxpayer's passive activity loss and passive activity credit.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-126-86

Drafting attorney: Michael J.Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3288

RIN: 1545-AK18

2309. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Pursuant to the grant of regulatory authority is section 469(k), the regulations will define activity, material participation, active participation, and portfolio income, and prescribe the treatment of master limited partnerships and other passive income generators.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Additional Information: LR-48-87

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Tax Legislative Counsel: Neil D. Kimmelfield (202) 566-8528.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK62

2310. INVENTORY COMPUTED BY USE OF CONSUMER OR PRODUCER PRICE INDEXES

Legal Authority: 26 USC 472 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would provide examples and further clarification of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-57-83.

Drafting attorney: Arthur E. Davis (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF65

2311. ● SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar- value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Additional Information: LR-31-87

Drafting attorney: Arthur E. Davis III(202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202 566-3288.

Treasury attorney: Tom Evans (202) 566-2784.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AK64

2312. INCOME TAX--UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512(a) Internal Revenue Code of 1986; 26 USC 514(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AE00

2313. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Additional Information:

LR-81-86.

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing Attorney: Susan Baker (202) 566-3294.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AJ31

2314. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-83-82.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3294.

Office of Tax Legislative Counsel reviewing attorney: Quinn

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AF00

2315. INCOME TAX--RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-1148.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB69

2316. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information: LR-34-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI06

2317. CLARIFICATION OF SECTION 1.643 (A)-3 RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643(a)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-148-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI31

2318. INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 645 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986; 26 USC 6654 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules regarding taxable years of trusts and estates, taxation of grantor trusts, and payment of estimated tax by trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information:

LR-108-86.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Fred Grundeman (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AJ20

2319. INCOME TAX--PROCEDURE & ADMINISTRATION--FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 679 Internal Revenue Code of 1986; 26 USC 678(b) Internal Revenue Code of 1986; 26 USC 643(a) Internal Revenue Code of 1986; 26 USC 643(c)(6)(C) Internal Revenue Code of 1986; 26 USC 643(c)(6)(D) Internal Revenue Code of 1986; 26 USC 643(d) Internal Revenue Code of 1986; 26 USC 6048 Internal Revenue Code of 1986; 26 USC 6677 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-187-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of International Tax Counsel (Treasury) reviewing attorney: Steven R. Lainoff.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB79

2320. ● INCOME TAX - APPLICATION OF EFFECTIVE DATE FOR NEW RULES REGARDING DEDUCTIONS FOR MEAL, TRAVEL, AND ENTERTAINMENT TO PARTNERSHIPS AND S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 702 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance to taxpayers relating to the effective date for new rules regarding deductions for meals, travel, and entertainment to partnerships and S corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-29-87

Drafting Attorney: David R. Haglund (202) 566-3297

Reviewing Attorney: Walter Woo (202) 566-3297

Office of Tax Legislative Counsel Attorney: Marjorie Roberts (202) 566-2565

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AK80

2321. TO PROVIDE SPECIAL RULES CONCERNING RELATED PARTY LOANS IN THE CASE OF PARTNERSHIP ALLOCATIONS ATTRIBUTABLE TO NONRECOURSE DEBT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide regulations relating to loans made to a partnership by a person related to a partner of the partnership.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-30-86.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Lorry Spitzer (202) 535-6968.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545-AI66

2322. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Additional Information: LR-164-83.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG98

2323. INCOME TAX--ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706(d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-76.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Spitzer.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB81

2324. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-101-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury reviewer: J. Richard Harvey (202) 566-4902.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ47

2325. INCOME TAX--TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG83

2326. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-163-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kimmelfield.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH22

2327. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-232-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG85

2328. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-229-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: A.L. Spitzer (202) 535-6968.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH26

2329. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-159-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG63

2330. INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-139-86.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3238

RIN: 1545-AJ51

2331. ● APPORTIONMENT OF EXPENSES IN THE FSC AND DISC CONTEXTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide guidance on how expenses in the DISC and FSC contexts will be apportioned.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL-028-86

Drafting Attorney: Richard Chewning (202) 566-3490.

Reviewing Attorney: T. Timothy Tuerff (202) 566-9050.

Treasury Attorney: Unassigned.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AK78

2332. TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: INTL-947-86

Drafting Attorney: Ann Zukas (202) 566-3289

Reviewing Attorney: Jack Feldman (202) 566-3289.

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: Ann Zukas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AJ68

2333. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 -- SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986; 26 USC 863(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entity: Not Applicable

Additional Information: INTL-949-86

Drafting Attorney: Joseph M. Rosenthal (202) 566-3872

Reviewing Attorney: Benedetta Kissel (202) 566-3179

Treasury Attorney: David Crowe (202) 566-8275

Agency Contact: Joseph M. Rosenthal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3872**

RIN: 1545-AJ84

2334. REGULATIONS RELATING TO THE APPLICATION OF SECTIONS 864 AND 956 TO RELATED PARTY INTERNATIONAL FACTORING TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the treatment of income derived by foreign corporations from factoring the receivables of related persons.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Not Applicable

Additional Information: INTL-49-86.

Drafting attorney: Ann Zukas (202) 566-3289.

Reviewing attorney: Phyllis Marcus (202) 566-3223.

Agency Contact: Ann Zukas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH85

2335. REPEAL OF 30 PERCENT WITHHOLDING BY THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the definition of portfolio interest, the certifications required in the case of obligations that are issued in registered form, and related matters.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: INTL-39-86

Drafting attorney: Carl Cooper (202) 566-3388.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Carl Cooper, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3388**

RIN: 1545-AG66

2336. EMPLOYMENT TAXES: APPLICATION OF THE REPEAL OF 30% WITHHOLDING BY THE TAX REFORM ACT OF 1984 AND OF INFORMATION REPORTING AND BACKUP WITHHOLDING IN LIGHT OF SUCH REPEAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954; 26 USC 6049 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules relating to the repeal of 30 percent withholding by the Tax Reform Act of 1984 and to the application of information reporting and backup withholding in light of such repeal.

Timetable:

Action	Date	FR Cite
Hearing held	01/28/85	49 FR 47870
NPRM	08/20/85	50 FR 33552
NPRM Comment Period End	10/22/85	50 FR 33552
NPRM	12/31/87	

Small Entity: No

Additional Information: INTL-53-86.

Drafting attorney: Carl Cooper (202) 576-3388.

Reviewing attorney:Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Carl Cooper, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3388**

RIN: 1545-AH15

2337. EXEMPTIONS FROM WITHHOLDING OF NRA'S AND FOREIGN CORPORATIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871(i) Internal Revenue Code of 1986; 26 USC 881(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Implement regulations concerning exemptions from withholding of non-resident aliens and foreign corporations under sections 871(i) and 881(d) of the Code. Specifically, the proposed regulation will address the individual or corporation that meets the 80 percent foreign business requirements for active foreign business income.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: INTL-951-86

Drafting Attorney: David A. Alvarez (202) 566-3289

Reviewing Attorney: John Dean (202) 566-3289

Treasury Attorney: Mary Bennett (202) 566-5815

Agency Contact: David A. Alvarez, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ59

2338. UNTIMELY FILING BY FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules regarding deductibility of expenses by a

foreign corporation that does not file a timely tax return.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL-74-86

Drafting Attorney: Richard Chewning (202) 566-3490.

Reviewing Attorney: Bernard Bress (202) 566-6440.

Office of International Tax Counsel reviewing attorney: unassigned.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AJ74

2339. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Undetermined

Additional Information: INTL-934-86

Drafting Attorney: Richard M. Elliott (202) 566-6457

Reviewing Attorney: Benedetta A. Kissel (202) 566-3179

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: Richard M. Elliott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545-AJ73

2340. ● IMPOSITION OF TAX ON GROSS TRANSPORTATION INCOME OF NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 887 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide rules for implementing the four percent tax on gross transportation income of nonresident aliens and foreign corporations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: INTL-940-86

Drafting Attorney: Patricia Bray (202) 566-3289.

Reviewing Attorney: Jacob Feldman (202) 566-3289.

Treasury Attorney: Peter Daub (202) 566-2964.

Agency Contact: Patricia A. Bray, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., **202 566-3289**

RIN: 1545-AK76

2341. INCOME TAX--INCOME OF FOREIGN GOVERNMENTS AND OF INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 892(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules governing the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	

Small Entity: Not Applicable

Additional Information: INTL-959-86

Drafting Attorney: David A. Juster (202) 566-6384

Reviewing Attorney: Bernard T. Bress (202) 566-6440

Office of International Tax Counsel (Treasury) Reviewing Attorney: Peter Daub (202) 566-5791

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6384**

RIN: 1545-AJ79

2342. INCOME TAX--PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: INTL-48-86

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles Saverude (202) 566-6008.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: Jacob Feldman, Senior Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AB98

2343. TEMPORARY REGULATIONS--NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations would provide rules concerning the effect of certain distributions, including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Regulations would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-38-86.

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-6008.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: Charles P. Besecky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545-AF17

2344. ● NOTICE OF PROPOSED RULEMAKING--NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: INTL-491-87

Drafting Attorney: Charles P. Besecky (202) 566-3319.

Reviewing Attorney: Charles C. Saverude (202) 566-6008.

Treasury Attorney: David Crowe (202) 566-5791.

Agency Contact: Charles P. Besecky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545-AK79

2345. STATUTE OF LIMITATIONS - NATIONALIZED COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would define FOGEI and FORI.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL-59-86

Drafting Attorney: Richard Chewning (202) 566-3490

Reviewing Attorney: Charles Saverude (202) 566-9050

Office of International Tax Counsel Reviewing Attorney: Steve Shay (202) 566-5046

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AJ75

2346. SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance to taxpayers in computing the foreign tax credit limitations with respect to certain categories of income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: INTL-931-86

Drafting Attorney: Marnie Carro (202) 566-3499 and Carolyn Dupuy (202) 566-3289.

Reviewing Attorney: Carol Doran Klein (202) 566-6419.

Agency Contact: Marnie J. Carro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3494**

RIN: 1545-AJ72

2347. INCOME TAX--PROCEDURE & ADMINISTRATION--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: INTL - 61-86

Drafting attorney: Gerard Traficanti (202) 566-6384.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of the Notice to International Tax Counsel of October 19, 1982. -duplicate of RIN A119

Agency Contact: Gerard Traficanti, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 5531, Washington, D.C. 20224, 202 566-6384

RIN: 1545-AC06

2348. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	04/01/88	

Small Entity: Not Applicable

Additional Information: INTL - 152-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-9050.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AE34

2349. COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES

Legal Authority: PL 99-514, Sec 1274

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Prior to the Tax Reform Act of 1986, inhabitants of the Virgin Islands satisfied their U.S. tax liability by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: INTL-969-86

Drafting Attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing Attorney: Michael Patton (202) 287-4851.

Treasury Attorney: Peter Barns (202) 566-5815.

Agency Contact: Grace Perez-Navarro, Associate Attorney, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545-AJ55

2350. INCOME TAX--DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	51 FR 2726

Small Entity: Not Applicable

Additional Information: INTL -44-86

Drafting attorney: Philip L. Garlett (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Philip L. Garlett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC10

2351. ● AMENDMENT OF SECTION 936(H) WITH RESPECT TO ELECTION OF PRODUCT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would require that once a product election was made it could not be amended.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: INTL-450-87

Drafting Attorney: Philip Garlett (202) 566-3289.

Reviewing Attorney: Jacob Feldman (202) 566-3289.

Treasury Attorney: Mary Bennett (202) 566-5992.

Agency Contact: Philip Garlett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AK77

2352. SPECIAL RULE FOR FOREIGN CAPTIVE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(c)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would implement the statute which taxes currently U.S. persons utilizing offshore captive insurance companies. These U.S. owned or controlled companies were previously earning income the U.S., tax on which was deferred until repatriated to the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: INTL-939-86

Drafting Attorney: John F. Dean (202) 566-3289

Reviewing Attorney: Jack Feldman (202) 566-3289

Treasury Attorney: Peter Barnes (202) 566-5815

Agency Contact: John F. Dean, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ70

2353. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL-57-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-9050.

Office of International Tax Counsel reviewing attorney: Steve Shay.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AE38

2354. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-172-84.

Drafting attorney: Joseph M. Rosenthal (202) 566-3872.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Jane Sarosdy (202) 566-8275.

Agency Contact: Joseph M. Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3872**

RIN: 1545-AG71

2355. RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH43

2356. INCOME TAX--NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the

non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	

Small Entity: Not Applicable

Additional Information: LR-260-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH41

2357. INCOME TAX--SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-119-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AJ06

2358. INCOME TAX--TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263(g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-187-81.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC21

2359. INCOME TAX--GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL - 42-86

Drafting attorney: David A. Juster (202) 566-6384.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Office of International Tax Counsel (Treasury) reviewing attorney:

Draft of notice in International Tax Counsel for review.

Agency Contact: David A. Juster, Attorney CC:INTL:Br3, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6384

RIN: 1545-AC31

2360. INCOME TAX--TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-81.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Marjorie Roberts

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AC34

2361. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-11-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-3287**

RIN: 1545-AI59

2362. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the Treatment of Gain Realized on the Disposition of any Market Discount Bond as Ordinary Income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-21-85.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury Attorney: Bryan Collins (202) 566-4979.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C.20224, **202 566-6456**

RIN: 1545-AH82

2363. INCOME TAX-TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-19-85.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: John A. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Ewan D. Purkiss, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH75

2364. INCOME TAX--TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-73.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Brian Collins.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC37

2365. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	51 FR 35659
NPRM Comment Period End	12/08/87	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-262-82.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE86

2366. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-260-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Bryan Collins (202) 566-4979.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE26

2367. INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-261-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE85

2368. INCOME TAX--RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-264-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE88

2369. INCOME TAX--APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

TREAS—IRS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-82.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE90

2370. ● CROSS-REFERENCE--APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	03/04/88	

Small Entity: Not Applicable

Additional Information:

LR-80-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AK93

2371. INCOME TAX--DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations would define and interpret special rules contained in Sections 1377 and 1379 of the Internal Revenue Code of 1986, the thereby giving guidance to the public on how the Internal Revenue Service intends interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	01/01/88	

Small Entity: Not Applicable

Additional Information: LR-268-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE94

2372. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: LR-222-81.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC47

2373. INCOME TAX--APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-75-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC55

2374. INCOME TAX--DELETION OF THE REQUIREMENT OF SECTION 1.1502-47 (D) (12) (V) (C) THAT, IN APPLYING TACKING RULE, PROFITABLE AND LOSS LIFE ACTIVITIES NOT BE SEPARATED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will prospectively delete the requirement of section 1.1502-47 (d) (12) (v) (C) relating to the restriction on the separation of profitable activities from loss activities in applying the tacking rule to life insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-157-86

Drafting attorney: Keith Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AI98

2375. ● CROSS-REFERENCE--CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporation acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	

Small Entity: Not Applicable

Additional Information:

LR-78-87

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AK94

2376. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-189-77.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Shay.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC58

2377. INCOME TAX -- AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	02/01/88	

Small Entity: Not Applicable

Additional Information: LR-152-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH09

2378. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012(a) Internal Revenue Code of 1986; 26 USC 2012(c) Internal Revenue Code of 1986; 26 USC 2013(b) Internal Revenue Code of 1986; 26 USC 2013(e)(1) Internal Revenue Code of 1986; 26 USC 2014(b)(2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038(a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None.

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. In addition, the regulations clarify the situs test of foreign partnerships for purposes of the estate taxation of nonresident alien decedents. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information: LR-212-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AC60

2379. ESTATE TAX--VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013(f) Internal Revenue Code of 1986; 26 USC 1016(c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None.

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Not Applicable

Additional Information: LR-209-81.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of the Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC62

2380. CAPITALIZATION OF CERTAIN PENSION, ETC. COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to the requirement that certain costs of deferred compensation must be capitalized rather than deducted currently.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Not Applicable

Additional Information: EE-56-78

Drafting Attorney: Michael Garvey (202) 566-3430.

Review Attorney: Jonathan P. Marget (202) 566-3961.

Treasury Attorney: Harry Conaway (202) 566-8277.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AI92

2381. ESTATE TAX--GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: Not Applicable

Additional Information:

LR-128-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AJ11

2382. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 36

Legal Deadline: None.

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-192-83.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF91

TREAS—IRS **Proposed Rule Stage**

2383. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302(c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the code.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: LR-195-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: John B. Bromell (202) 566-3297.

In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AF97

2384. EMPLOYMENT TAX--WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986; 26 USC 6047(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None.

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: EE-115-82.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE98

2385. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-224-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury Attorneys: Susan Himes and Richard D'Avino (202) 566-5455 and (202) 566-8527, respectively.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE20

2386. ELECTION TO HAVE CERTAIN DIESEL FUEL TAXES IMPOSED ON SALES TO RETAILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide guidance to assist diesel fuel retailers in making an election to have the diesel fuel excise tax collected by the wholesaler at the time the liquid is sold to the retailer.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information:

LR-114-86.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AJ13

2387. EXCISE TAX--RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

TREAS—IRS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: Not Applicable

Additional Information: LR-30-83.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3297.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF61

2388. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1966

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: LR-17-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AI51

2389. EXCISE TAX--COLLECTION OF GASOLINE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide rules relating to excise tax imposed on the sale or removal of gasoline. The regulations will also provide procedural requirements for any required registration and bonding, and obtaining applicable refunds or credits relating to the excise tax.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information:

LR-115-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AJ09

2390. ● REDUCTION OF THE HEAVY VEHICLE USE TAX FOR FOREIGN-BASED TRUCKS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4481 Internal Revenue Code of 1986

CFR Citation: 26 CFR 41

Legal Deadline: None.

Abstract: This project will address how the heavy vehicle use tax will be imposed on foreign-based trucks at a reduced rate and what proof of payment of the tax must be presented upon entry into the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-33-87

Drafting Attorney: William A. Jackson (202) 566-4336.

Reviewing Attorney: Ada Rousso (202) 566-3287.

Treasury Attorney: Mark Perlis (202) 566-8278.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AK98

2391. CERTAIN INDEBTEDNESS TREATED AS PAYMENT ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance with respect to the requirement that certain indebtedness of a taxpayer be treated as a payment on certain installment obligations held by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-93-86

Drafting Attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Lorry Spitzer (202) 535-6968.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AJ27

2392. INCOME TAX, EXCISE TAX, AND ENVIRONMENTAL TAX--IMPOSITION OF TAXES ON PETROLEUM, CERTAIN CHEMICALS, AND CORPORATIONS AND ADDITIONAL EXCISE TAXES ON CERTAIN FUELS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4042 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4611 Internal Revenue Code of 1986; 26 USC 4612 Internal Revenue Code of 1986; 26 USC 4661 Internal Revenue Code of 1986; 26 USC 4662 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 48; 26 CFR 52

Legal Deadline: None.

Abstract: The regulations will provide rules for the computation of the environmental taxes on petroleum, certain chemicals, and additional excise taxes on certain fuels. The regulations will also provide rules for the computation of the environmental tax imposed on the modified alternative minimum taxable income of corporations.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information:

LR-158-86.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AJ23

2393. INCOME TAX--EXCISE TAX--PROCEDURE AND ADMINISTRATION--VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1986; 26 USC 4941 Internal Revenue Code of 1986; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53

Legal Deadline: None.

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-76-84.

Drafting attorney: V. A. Moore (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AG18

2394. FOUNDATION EXCISE TAX-EXCESS BUSINESS HOLDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; PL 91-172, Sec 101 Tax Reform Act of 1969; PL 98-369, Sec 307 Tax Reform Act of 1984; PL 98-369, Sec 308; PL 98-369, Sec 309; PL 98-369, Sec 310; PL 98-369, Sec 314

CFR Citation: 26 CFR 53

Legal Deadline: None.

Abstract: Amendments to conform regulations to provisions enacted by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-65-84.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) Reviewing Attorney: unassigned

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG49

2395. EXCISE TAX -- PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: EE-165-86

Drafting Attorney: Suzanne K. Tank (202) 566-3422.

Reviewing Attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI82

2396. EXCISE TAX -- EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	10/30/87	

Small Entity: Undetermined

Additional Information: EE-162-86

Drafting Attorney: Marjorie Hoffman (202) 566-3430.

Review Attorney: Richard J. Wickersham (202) 560-3250.

Treasury Attorneys: Susan Scherbel/Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AI81

TREAS—IRS

Proposed Rule Stage

2397. EXCISE TAX--WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-226-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD00

2398. ● ELECTRONIC FILING OF TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance and standards to taxpayers governing the electronic filing of individual income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: Not Applicable

Additional Information: LR-21-87

Drafting Attorney: Lauren G. Shaw (202) 566-3287.

Reviewing Attorney: Gerald Rock (202) 566-3287.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AL01

2399. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to nominee reporting of partnership interest which such nominee holds for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Not Applicable

Additional Information: LR-156-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: A. L. Spitzer (202) 535-6968.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ98

2400. AMENDMENT OF SECTION 1.6033-2(G)(5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101(d)(1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None.

Abstract: These regulations will revise the definition of integrated auxiliary of a church in Section l.6033-2 (g) (5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: EE-41-86.

Drafting attorney: V.A. Moore (202) 566-3422.

Reviewing attorney: Paul Accettura (202) 566-3422.

Agency Contact: V.A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AI52

2401. RETURNS, ETC. ON CERTAIN FRINGE BENEFIT PLANS

Legal Authority: 26 USC 6039D Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning a return required by specified fringe benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Not Applicable

Additional Information: EE-117-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorneys: Scherbel/Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AI22

2402. ● INCOME TAX REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL-879-86

Drafting Attorney: Charles A. Ray (202) 287-4851.

Reviewing Attorney: George M. Sellinger (202) 287-4851.

Treasury Attorney: Mark Beams (202) 566-5992.

Agency Contact: Charles A. Ray, Attorney, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AK75

2403. ● INCOME TAX--TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposed regulations would amend existing regulations to require issuers to furnish the issue price to brokers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-63-87

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: Susan Baker (202) 566-3294.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, llll ConstitutionrAve., N.W., Washington, D. C. 20224, **202 566-3459**

RIN: 1545-AK36

2404. TREATMENT OF NET CAPITAL LOSSES OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS-RELATIONSHIPS BETWEEN CHAPTER 44 EXCISE TAXES AND TAXABLE INCOME

Legal Authority: 26 USC 852(b)(3) Internal Revenue Code of 1986; 26 USC 857(b)(3) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would establish rules pertaining to the relationship and effect of net capital losses of RICs and REITs attributable to transactions after the cut-off date for capital transactions and the taxable income if the entity for the subsequent taxable year.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-116-86.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8278.

Government Levels Affected: Federal

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ04

2405. ESTATE TAX--PROCEDURE AND ADMINISTRATION--DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-210-76.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-0231**

RIN: 1545-AD23

2406. INTEREST ON HOSPITAL INSURANCE TAXES ON WAGES OF STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6205 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This regulation will permit interest-free adjustments for underpayments of hospital insurance taxes with respect to wages of State and local government employees hired after March 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: LR-46-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury Attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AI50

2407. STATEMENT OF PROCEDURAL RULES TO PROVIDE PROCEDURES FOR PARTNERSHIP-LEVEL PROCEEDINGS WITH RESPECT TO PARTNERSHIP ITEMS

Legal Authority: 5 USC 3011 Internal Revenue Code of 1986; 5 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 601

Legal Deadline: None.

Abstract: The amendment of the Statement of Procedural Rules will provide procedures for partnership-level proceedings with respect to partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI08

2408. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None.

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-269-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Bryan Collins (202) 566-4979.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE96

2409. ● TO REQUIRE FINANCIAL INSTITUTIONS TO DEPOSIT ESTIMATED TAX ON TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 25 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would require certain financial institutions to make through the Federal Tax Deposit system quarterly estimated income tax payments with respect to certain trusts and estates.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	
NPRM Comment Period End	11/15/87	

Small Entity: Not Applicable

Additional Information: LR-81-87

Drafting attorney: John A. Tolleris (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, llll Constitution Ave., N.W., Washington, D. C. 20224, **202 566-3829**

RIN: 1545-AK35

2410. PROCEDURE AND ADMINISTRATION REGULATIONS--PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-161-85.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI24

2411. ● ELECTRONIC FILING OF NOTICE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulation clarifies that the term "Form 668" as used in section 6323 (f) (3) of the Code includes a notice of federal tax lien filed by the use of an electronic or magnetic medium where the law of the state in which a notice of Federal tax lien is filed permits such method of filing.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	

Small Entity: Not Applicable

Additional Information: LR-39-87

Drafting Attorney: Lauren G. Shaw (202) 566-3287.

Reviewing Attorney: Ada S. Rousso (202) 566-3287.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AK96

2412. PROCEDURE AND ADMINISTRATION--RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-253-82.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AE82

2413. ● PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-34-87

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK71

2414. PROCEDURE AND ADMINISTRATION REGULATIONS--EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-162-85.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI23

2415. ESSENTIAL ISSUES IN CONNECTION WITH DIFFERENTIAL INTEREST RATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-123-86

Drafting attorney: Michael J. Grace (202)566-3288.

Reviewing attorney: John H. Parcell (202)566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK06

2416. PROCEDURE & ADMINISTRATION--ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6659 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 6660 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-272-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AD39

2417. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-273-82.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AE99

2418. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-274-82.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF01

2419. PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: No

Additional Information:

LR-l42-86.

Drafting Attorney: Renay France (202) 566-3459.

Reviewing Attorney: Sharon Galm (202) 566-3930.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ29

2420. INCOME TAX--PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-309-82.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AE30

2421. ● FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.

Timetable:

Action	Date	FR Cite
NPRM	07/31/88	

Small Entity: Not Applicable

Additional Information: LR-38-87

Drafting Attorney: Lauren G. Shaw (202) 566-3287.

Reviewing Attorney: Ada S. Rousso (202) 566-3287.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AK24

2422. ● PROCEDURE AND ADMINISTRATION - SUSPENSION OF STATUES OF LIMITATIONS IN ABSENCE OF THIRD-PARTY RECORDKEEPER RESPONSE TO SUMMONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 7609 by the Tax Reform Act of 1986. Under those changes, statutes of limitations are suspended in certain cases in which a summons is served to a third-party recordkeeper and in which there is no resolution of the third- party recordkeeper's response to the summons.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-25-87

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK72

2423. INCOME TAX--INVESTMENT CREDIT IN CASE OF PROPERTY USED BY TAX EXEMPT ORGANIZATIONS & GOVERNMENTAL UNITS; PRACTICE &PROCEDURE --DEFINITION OF SERVICE CONTRACTS & OTHER ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48(a)(4) Internal Revenue Code of 1986; 26 USC 48(a)(5) Internal Revenue Code of 1986; 26 USC 7701(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: Proposal would change the definition of use of property by a tax exempt organization or a governmental unit, for purpose of applying rules relating to the investment tax credit. The regulations would also define service contracts and other arrangements, for purposes of analysis vis a vis leasing arrangements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-223-78.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Ada Rousso (202) 566-3287.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3459**

RIN: 1545-AA23

2424. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-55-86.

Drafting attorney: Marnie Carro (202) 566-3494.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3494**

RIN: 1545-AH13

TREAS—IRS

Proposed Rule Stage

2425. INCOME TAX--ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-88-86.

Drafting Attorney: Michel A. Daze (202) 566-6456.

Reviewing Attorney: Susan T. Baker (202) 566-3294.

Treasury Attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-6456**

RIN: 1545-AJ35

2426. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-85-85.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of Past-Due Support Owed.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH99

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

2427. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-245-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH06

2428. INCOME TAX--INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-114-85.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AI39

2429. ● SUBSTANTIATION REQUIREMENT FOR MORTGAGE INTEREST CREDIT CERTIFICATES

Legal Authority: 26 USC 25 Internal Revenue Code of 1986

TREAS—IRS **Final Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation provides compliance rules for MCCs.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-46-87

Drafting Attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, llll Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AK34

2430. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 28 Internal Revenue Code of 1986; 26 USC 280C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None.

Abstract: These regulations will amend the Income Tax Regulations to conform the regulations to sections 28 and 280C of the Internal Revenue Code of 1986, relating to the credit for clinical testing expenses for rare diseases or conditions. The regulations will provide the public with the guidance needed to comply with the law and will affect taxpayers seeking to obtain the credit.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 15930
NPRM Comment Period End	06/24/85	50 FR 15930
Final Action	01/01/88	

Small Entity: Not Applicable

Additional Information: LR-55-83.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF64

2431. INCOME TAX--NOTICE TO EMPLOYEES OR EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 32 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the procedures necessary to implement the statutory requirement that employers noting certain employees whose wages are not subject to income tax withholding that they may be eligible for the refundable earned income credit.

Timetable:

Action	Date	FR Cite
NPRM	06/11/87	52 FR 22345
NPRM Comment Period End	08/10/87	
Final Action	03/31/88	

Small Entity: Not Applicable

Additional Information: LR-99-86

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) Reviewing

attorney: Jorie Roberts.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AJ44

2432. LOW-INCOME HOUSING CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide low-income housing credit rules.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23471
NPRM Comment Period End	08/21/87	52 FR 23471
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-83-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ65

2433. ● LOW-INCOME HOUSING CREDIT FOR FEDERALLY-ASSISTED BUILDINGS ACQUIRED DURING 10-YEAR PERIOD

Legal Authority: 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules for federally-assisted buildings acquired during a 10-year period.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-61-87

drafting attorney: Robert Beatson (202) 566-3459

Reviewing attorney: John Coulter (202) 566-4473

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AK39

2434. INCOME TAX--CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 30 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide the extent to which taxpayers will be

entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action	06/20/88	

Small Entity: Not Applicable

Additional Information: LR-236-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Himes.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA07

2435. INCOME TAX--THE INVESTMENT CREDIT FOR QUALIFIED PROGRESS EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations add a new section to provide rules for claiming the investment credit for qualified progress expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/30/79	44 FR 05910
NPRM Comment Period End	04/01/79	44 FR 05910
Hearing	06/27/79	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-73-75.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Suzanne McDowell (202) 566-5453.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AA13

2436. INCOME TAX--TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 38 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51874
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-92-73.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA10

2437. INCOME TAX--INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26794
NPRM Comment Period End	08/27/85	
Hearing	11/15/85	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-238-81.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA12

2438. INCOME TAX--DEFINITION OF FILMS THAT ARE "TOPICAL OR OTHERWISE ESSENTIALLY TRANSITORY IN NATURE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations more specifically define what movie and television films and videotapes qualify for the investment credit.

Timetable:

Action	Date	FR Cite
NPRM	06/03/82	47 FR 24142
NPRM Comment Period End	08/02/82	47 FR 24142
Final Action	10/31/88	

Small Entity: Not Applicable

Additional Information: LR-143-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Himes.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA22

2439. INCOME TAX--SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48(l) Internal Revenue Code of 1986; PL 96-223, Sec 223(c)

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-176-80.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA26

2440. CORPORATE ALTERNATIVE MINIMUM TAX BOOK INCOME ADJUSTMENT

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 56(c)(1) Internal Revenue Code of 1986; 26 USC 56(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will describe rules for the computation of the alternative minimum net book income adjustment imposed on corporations.

Timetable:

Action	Date	FR Cite
NPRM	04/27/87	52 FR 15339
NPRM Comment Period End	06/29/87	
Final Action	01/00/88	

Small Entity: No

Additional Information: LR-107-86.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel Attorney: Tom Evans

(202) 566-4902.

Office of Tax Legislative Counsel Attorney: Richard Harvey

(202) 535-6960.

Office of Tax Legislative Counsel Attorney: Neil Kimmelfield

(202)566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AJ14

2441. ● INCOME TAX--INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation provides guidance with respect to inventory adjustment for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-84-87

Drafting Attorney: William Jackson (202) 566-4336.

Reviewing Attorney: Ada Rousso (202) 566-3287.

Agency Contact: William Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, **202 566-4336**

RIN: 1545-AL03

2442. INCOME TAX--NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	43 FR 4638
Final Action Effective	03/06/78	
NPRM Comment Period End	04/04/78	43 FR 4638
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-77.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA35

TREAS—IRS

Final Rule Stage

2443. INCOME TAX--TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME FOR CERTAIN FRINGE BENEFITS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide guidance on the taxation and valuation of fringe benefits. The regulations will also address the requirements for certain fringe benefit exclusions, including nondiscrimination and line of business restrictions.

Timetable:

Action	Date	FR Cite
Hearing	04/16/85	50 FR 7072
NPRM Comment Period End	02/21/86	50 FR 52333
Hearing	03/03/86	51 FR 2898
Hearing	04/29/86	51 FR 8517
NPRM	12/23/86	50 FR 52333
Interim Final Rule	12/23/86	50 FR 52281
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: LR-216-84

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3238**

RIN: 1545-AH73

2444. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-96-86.

Drafting attorney: Beverly A. Baughman(202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Charles M. Whedbee (202) 566-3458.

Susan T. Baker (202) 566-3294.

Treasury attorney: Blake Rubin (202) 566-2927.

Don Rocap (202) 566-8278.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave.,N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AJ48

2445. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34451
NPRM Comment Period End	10/20/84	49 FR 34528
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-153-84.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AI49

2446. INCOME TAX REGULATIONS--MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101(d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will prescribe mortality tables to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-134-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK15

2447. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142(e) Internal Revenue Code of I986

CFR Citation: 26 CFR 1

TREAS—IRS **Final Rule Stage**

Legal Deadline: None.

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Hearing	01/30/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-78.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA49

2448. INCOME TAX--TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment Period End	04/22/86	51 FR 6274
Hearing	06/04/86	51 FR 6273
Final Action Effective	08/23/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-59-74.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Stern.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, **202 566-3590**

RIN: 1545-AA56

2449. INCOME TAX--MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules which interpret the provisions of section 103a, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-10-81.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA63

2450. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149(a) Internal Revenue Code of 1986; 26 USC 163(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
Final Action Effective	12/31/82	
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51413
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-255-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Elliot Stern (202) 566-2566.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE18

TREAS—IRS

Final Rule Stage

2451. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)--RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166
Final Action	12/15/87	

Small Entity: Not Applicable

Additional Information: LR-221-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE24

2452. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144(a)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Hearing	06/04/86	51 FR 6273
Final Action Effective	08/23/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-157-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AH19

2453. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	40 FR 36371
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-9-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AK10

2454. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None.

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Hearing	02/10/86	51 FR 1392
Final Action	12/31/88	

Small Entity: Not Applicable

Additional Information: LR-269-84.

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Elliot Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH68

TREAS—IRS

Final Rule Stage

2455. AMENDMENT OF REGULATIONS RELATING TO ARBITRAGE ON NONPURPOSE OBLIGATIONS TO REFLECT SECTION 624 OF TRA OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103(c)(6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to arbitrage on nonpurpose investments with respect to industrial development bonds. Rules will be the limitation on nonpurpose investments and the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 00837
NPRM Comment Period End	03/08/85	50 FR 00837
Final Action	11/30/87	

Small Entity: Not Applicable

Additional Information: LR-192-84.

Drafting attorneys: Thomas J. Kane (202) 566-3458 and Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Gerald Rock (202) 566-3238.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH07

2456. INCOME TAX--PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 120 Internal Revenue Code of 1986; 26 USC 501(c)(20) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	45 FR 28360
Hearing	09/04/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-5-78.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD62

2457. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	04/11/85	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD63

2458. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-222-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA73

2459. INCOME TAX--PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation project will explain what foster child care payments

may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing	06/25/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-83-83.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF52

2460. TO PROVIDE REGULATIONS RELATING TO THE STATE VOLUME CAP ON PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103(m) Internal Revenue Code of 1954; 26 USC 0146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the limitation on the aggregate amount of private activity bonds. The regulations will define the terms private activity bond and state ceiling. The regulations will also provide rules for carrying forward any unused private activity bond limit.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39344
NPRM Comment Period End	12/04/84	49 FR 39344
Hearing	04/22/85	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-144-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH62

2461. INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Hearing	06/26/86	
NPRM	03/11/87	52 FR 7449
NPRM Comment Period End	05/11/87	52 FR 7449
Final Action Effective	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-146-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ63

2462. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106(b) Internal Revenue Code of 1986; 26 USC 162(i)(2) Internal Revenue Code of 1986; 26 USC 162(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22716
NPRM Comment Period End	08/14/87	52 FR 22716
Final Action	06/00/88	

Small Entity: Not Applicable

Additional Information: EE-143-86

Drafting Attorney: Mark Schwimmer (202) 566-6212.

Review Attorney: Michael A. Thrasher (202) 566-6212.

Treasury Attorney: Susan Scherbel (202) 566-6965.

Cross Reference to EE-144-86.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AI93

2463. INCOME TAX REGULATIONS—LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-136-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK16

2464. INCOME TAX REGULATIONS--TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Hearing	11/29/84	
Final Action	09/08/88	

Small Entity: Not Applicable

Additional Information: LR-147-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AG57

2465. INCOME TAX--ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 1245 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1250 Internal Revenue Code of 1986; 26 USC 57(a)(12) Internal Revenue Code of 1986; 26 USC 312(k) Internal Revenue Code of 1986; 26 USC 172(b) Internal Revenue Code of 1986; 26 USC 812(b) Internal Revenue Code of 1986; 26 USC 46(b) Internal Revenue Code of 1986; 26 USC 53(c) Internal Revenue Code of 1986; 26 USC 381(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the new accelerated cost recovery scheme. This new cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-185-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA87

2466. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These proposed regulations will provide rules relating to tax-exempt entity leasing and tax-exempt use property under section 168 (j) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	
Final Action	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-31-85.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Tolleris (202) 566-3459.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH76

2467. DEDUCTIONS IN EXCESS OF $5,000 CLAIMED FOR CERTAIN CHARITABLE CONTRIBUTIONS OF PROPERTY AND INFORMATION REPORTING BY DONEES WHO MAKE CERTAIN DISPOSITIONS OF DONATED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170(a)(1) Internal Revenue Code of 1986; 26 USC 6050L Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to deductions for charitable contributions. The regulations provide that deductions for certain charitable contributions made by an individual, closely held corporations, personal service corporation, partnership, or S corporation shall not be allowed unless the donor obtains a qualified appraisal and attaches an appraisal summary to the donor's return on which the deduction is first claimed. Additionally, the regulations require the donee of

certain charitable deduction property to make an information return.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50740
NPRM Comment Period End	03/01/85	49 FR 50740
Hearing	06/28/85	
Final Action	10/01/87	

Small Entity: Not Applicable

Additional Information: LR-200-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: A.L. Spitzer (202) 535-6968.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG86

2468. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404(h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Final Action	12/31/88	

Small Entity: Not Applicable

Additional Information: EE-7-78.

Drafting attorney: Mary E. Brennan (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD59

2469. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Final Action	12/31/88	

Small Entity: No

Additional Information: EE-148-81.

Drafting attorney: Mary E. Brennan (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD66

2470. TEMPORARY REGULATION—CAPITALIZATION OF CERTAIN INTEREST EXPENSES

Legal Authority: 26 USC 263A(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation of interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-120-86.

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK03

2471. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 253A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	52 FR 10118
NPRM Comment Period End	05/29/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-168-86.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK05

2472. REGULATIONS UNDER SECTION 267 OF THE CODE TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 Internal Revenue Code of 1986; 26 USC 706 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-183-84.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Keith E. Stanley, John G. Schmalz, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG11

2473. INCOME TAX--PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-188-82.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF11

2474. INCOME TAX--DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property). The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	47 FR 56367
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-252-81.

Drafting attorney: John B. Bromell (202) 566-3326.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of: Tax Legislative Counsel (Treasury)

Reviewing Attorney: Roberts.

Agency Contact: John B. Bromell, Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB06

2475. INCOME TAX--SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898
Final Action Effective	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-140-86.

Drafting Attorney: Michel A. Daze (202) 566-6456.

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Reviewing Attorney: Sharon Galm (202) 566-3930.

Treasury Attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-6456**

RIN: 1545-AJ40

2476. INCOME TAX--DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-76.

Drafting attorney: Gail H. Morse (202) 566-3218.

Reviewing attorney: Paul Francis (202) 566-3218.

Office of Tax Legislative Counsel reviewing attorney:

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB09

2477. LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property."

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	49 FR 42743
Second Hearing	03/04/86	51 FR 2898
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-145-84.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Michel Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AG99

2478. INCOME TAX--PART 1 TEMPORARY REGULATIONS-RECOGNITION OF GAIN OR LOSS LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986, [[631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations would provide rules for the recognition of gain or loss on a corporation's liquidation sales or distributions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/88	

Small Entity: Not Applicable

Additional Information: LR-117-86.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ01

2479. ● CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance for making an election under section 336 (e) and the consequences which result from making such an election

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/01/88	

Small Entity: Not Applicable

Additional Information: LR-51-87

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK30

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2480. DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment Period End	09/02/86	
Final Action	10/01/88	

Small Entity: Not Applicable

Additional Information: LR-191-82.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF29

2481. INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period End	11/05/84	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR-26-83.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF38

2482. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment Period End	03/10/86	
Final Action	10/01/88	

Small Entity: Not Applicable

Additional Information: LR-218-83.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel.

Agency Contact: Patricia W. Pellervo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF93

2483. INCOME TAX--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 338

Legal Deadline: None.

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the international context.

Timetable:

Action	Date	FR Cite
NPRM	02/12/86	51 FR 5208
NPRM Comment Period End	04/14/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-35-84.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 20224, 202 566-3458

RIN: 1545-AG13

2484. QUESTIONS AND ANSWERS RELATING TO DOMESTIC MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE OF 1954 - CROSS REFERENCE TO THE TEMPORARY REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide guidance on a broad range of issues under section 338.

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Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16430

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR-33-85.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH88

2485. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment Period End	07/15/86	51 FR 17989

Next Action Undetermined

Small Entity: Undetermined

Additional Information: LR-8-86.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury Attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AI53

2486. INCOME TAX--APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain how the installment sale method will be applied to a stock acquisition in which a section 338 (h) (10) election is made.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/30/87	

Small Entity: Not Applicable

Additional Information: LR-76-86

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorneys: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ07

2487. ● TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-49-87

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK32

2488. INCOME TAX--DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	42 FR 3866

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR-936.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Bryan Collins (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB20

TREAS—IRS

Final Rule Stage

2489. INCOME TAX--TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112
NPRM Comment Period End	03/03/81	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-993-71.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB21

2490. INCOME TAX--TREATMENT OF EXCHANGES DESCRIBED IN SECTION 367 (B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 24 CFR 0820; 13 CFR 6787; 05 CFR 0314; 22 CFR 3456

Legal Deadline: None. As an alternative to a no-rule position on this issue, the Service could publish a revenue procedure that contains the terms and conditions of a plan that must be.

Abstract:

Proposal would amend the regulations under section 367 (b) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	12/30/77	42 FR 65152
NPRM Comment Period End	03/01/78	42 FR 65152
Notice amended	10/02/79	44 FR 57390
Notice amended	12/27/82	47 FR 57502
Final Action	06/01/88	

Small Entity: Not Applicable

Additional Information: INTL - 76-86

Drafting attorney: Richard Chewning (202 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Office of International Tax Counsel (Treasury) reviewing attorneys: Unassigned.

Office of Chief Counsel (INTL) for preparation of Treasury decision.

Affected Sectors: Multiple

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AB26

2491. ● AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporations will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-610-86

Drafting Attorney: Steven Lipschutz (202) 566-3319.

Reviewing Attorney: Charles Saverude (202) 566-6008.

Treasury Attorney: Mary Bennet (202) 566-3992.

Agency Contact: Steven Lipschutz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545-AK74

2492. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 7

Legal Deadline: None.

Abstract: Temporary regulations would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL-991-86

Drafting Attorney: Richard Chewning (202) 566-3490

Reviewing Attorney: Bernard Bress (202) 566-6440

Office of International Tax Counsel Reviewing Attorney: Steve Shay (202) 566-5046

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AJ76

TREAS—IRS

Final Rule Stage

2493. INCOME TAX--PART 1--TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information: INTL-76-86.

Drafting attorney: Marnie Carro (202) 566-3494

Reviewing attorney: Bernard Bress (202) 566-6440.

Office of International Tax Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3494**

RIN: 1545-AI32

2494. INCOME TAX--TEMPORARY REGULATIONS--REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5c

Legal Deadline: None.

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-230-81.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AB28

2495. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368(a)(2)(F) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR-135-76.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB31

2496. INCOME TAX--OWNERSHIP CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporate stock ownership (after which the corporation's net operating loss carryovers are limited)).

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-105-86

Drafting attorneys: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ08

2497. ● COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information:

LR-66-87.

Drafting attorney: Thomas J. Kane (202) 566-3458.

TREAS—IRS **Final Rule Stage**

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Richard D'Avino (202) 566-5455.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK87

2498. ● SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-68-87

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Richard D'Avino (202) 566-5455.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK28

2499. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD68

2500. CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986; 26 USC 402(a)(8) Internal Revenue Code of 1986; PL 95-600, Sec 135 Revenue Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulation will provide definitions and interpretations governing qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	11/10/81	46 FR 55544
NPRM Comment Period End	02/15/82	47 FR 00988
Hearing	04/20/82	
Final Action	09/01/87	

Small Entity: Not Applicable

Additional Information: EE-169-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Mary E. Oppenheimer (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD72

2501. INCOME TAX--REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408(a)(6) Internal Revenue Code of 1986; 26 USC 401(a)(9) Internal Revenue Code of 1986; 26 USC 408(b)(3) Internal Revenue Code of 1986; 26 USC 408(d)(3)(C) Internal Revenue Code of 1986; 26 USC 219(d)(4) Internal Revenue Code of 1986; 26 USC 403(b)(10) Internal Revenue Code of 1986; 26 USC 4974Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28070
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE95

2502. NOTICE, ELECTION, AND CONSENT RULES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

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Final Rule Stage

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None.

Abstract: The regulations would provide rules relating to notices, elections and consents required under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action	09/01/87	

Small Entity: Not Applicable

Additional Information: EE-35-85.

Drafting attorney: William D. Gibbs (202) 566-3430

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AH80

2503. INCOME TAX--TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 402(a)(2) Internal Revenue Code of 1986; 26 USC 402(e) Internal Revenue Code of 1986; 26 USC 403(a)(2)(A)(iii) Internal Revenue Code of 1986; 26 USC 411(d)(1) Internal Revenue Code of 1986; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
Corrected NPRM	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	40 FR 18798
Notice of Hearing	07/03/75	40 FR 28102
Hearing	08/12/75	
NPRM - Additional	05/31/79	44 FR 31228
Comment Period until	07/30/79	44 FR 31228
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-14-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD73

2504. INCOME TAX--DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	04/30/88	

Small Entity: Not Applicable

Additional Information: EE-14-81.

Drafting attorney: Nerman D. Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of International Tax Counsel (Treasury) reviewing attorney: Jane Sarosdy (202) 566-8471.

Agency Contact: Nerman D. Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD81

2505. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	06/30/88	

Small Entity: Not Applicable

Additional Information: EE-65-83.

Drafting attorney: Mary D. Brennan (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Mary D. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AF83

2506. ● INCOME TAX - TEMPORARY REGULATIONS ON MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; 26 USC 411 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988. Deadline set by section 1141 of PL 99-514 "Tax Reform Act of 1986"

Abstract: These temporary regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards for qualified employee plans.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information: EE-73-87

Drafting Attorney: V.A. Moore (202) 566-3422.

Reviewing Attorney: James Brokaw (202) 566-4173.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: V.A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AK43

2507. INCOME TAX--COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411(d)(1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial Revised Notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-164-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD83

2508. SURVIVOR BENEFITS, DISTRIBUTION RESTRICTIONS AND VARIOUS OTHER ISSUES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the effective dates, transitional rules, restrictions on distributions from employee plans and other issues arising under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action	09/01/87	

Small Entity: Not Applicable

Additional Information: EE-3-85

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AH01

2509. INCOME TAX-PART 1 - REDUCTION OF ACCRUED BENEFITS TO QUALIFY FOR A STANDARD TERMINATION OF A SINGLE EMPLOYER DEFINED BENEFIT PENSION PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide temporary guidelines for reducing benefits for certain key employees in order to qualify for a standard termination of a single-employer defined benefit pension plan.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/88	

Small Entity: Not Applicable

Additional Information: EE-47-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Mary Oppenheimer (202) 566-3544.

Cross-referenced with NPRM EE-48-86.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AI48

2510. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986; 26 USC 413(b) Internal Revenue Code of 1986; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the

minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	47 FR 54093
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-99-78.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD84

2511. INCOME TAX--DEFINITIONS & SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(b) Internal Revenue Code of 1986; 26 USC 414(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations relate to the definition of controlled groups of corporations and businesses under common control for purposes of certain provisions of the Employee Retirement Income Security Act of 1974 and pension related provisions of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	11/05/75	40 FR 51467
NPRM Comment Period End	01/04/76	40 FR 51467
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-209-74.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Conaway.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AB35

2512. INCOME TAX--EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period End	04/29/83	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-3-81.

Drafting attorney: Michael Garvey (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD90

2513. ● DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE" AND "COMPENSATION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(q) Internal Revenue Code of 1986; 26 USC 414(s) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988.

Abstract: Provisions relating to the scope and meaning of the terms "highly compensated employee" and "compensation".

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/30/87	

Small Entity: Not Applicable

Additional Information: EE-74-87

Drafting Attorney: Nancy J. Marks (202) 566-3903.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-4902.

Cross Reference to EE-129-86

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C., **202 566-3903**

RIN: 1545-AK40

2514. INCOME TAX--CREATION & TREATMENT OF INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 422A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance for taxpayers who either grant or receive incentive stock options. The grant of an incentive stock option to an employee by an employer will not be a taxable event. At the time such option is exercised by the employee no amount of the spread between the fair market value of the stock at exercise and the option price will be included in the employee's gross income. When the stock acquired through the exercise of the option is sold, the entire gain will be treated as capital gain and not ordinary income if certain holding period and employment relationship requirements are met.

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	49 FR 4504
NPRM Comment Period End	04/09/84	49 FR 4504
Hearing	06/21/84	49 FR 17040
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-279-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB36

2515. ● TAXABLE YEARS OF CERTAIN ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide guidance to S corporations, personal service corporations and partnerships that must conform their taxable years, in general, to the taxable year of their owners.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/87	

Small Entity: No

Additional Information: LR-44-87

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard Harvey (202) 535-6960.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK61

2516. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22796
Interim Final Rule	06/30/88	

Small Entity: Not Applicable

Additional Information: LR-122-86.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Tom Evans (202) 566-4902.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3238**

RIN: 1545-AJ52

2517. ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-121-85.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans (202) 566-4902.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI19

2518. INCOME TAX--GENERAL RULES RELATING TO INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	12/31/87	

Small Entity: Yes

Additional Information: LR-173-80.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB42

2519. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-184-80.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB43

2520. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-80.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB44

2521. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26909
NPRM Comment Period End	09/29/86	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-146-81.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB47

2522. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	
NPRM Comment Period End	09/26/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-141-83.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF71

2523. INCOME TAX--EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520
Final Action	12/31/88	

Small Entity: Not Applicable

Additional Information: LR-195-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB48

2524. ACCOUNTING FOR LONG-TERM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to accounting for costs incurred in the performance of long-term contracts.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-130-86

Drafting Attorney: Paulette C. Galanko (202) 566-3288.

Reviewing Attorney: John M. Fischer (202) 566-3394.

Treasury Attorney: R. J. Harvey (202) 566-6960.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AJ28

2525. TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-257-84.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AH33

2526. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-144-76.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Cynthia C. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB51

2527. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701
Final Action	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-168-76.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Lorry Spitzer (202) 535-6968.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB52

2528. AGGREGATION OF CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-155-85.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

TREAS—IRS **Final Rule Stage**

Treasury attorney: A. Lorry Spitzer (202) 535-6968.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AI41

2529. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None.

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-292-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG81

2530. INCOME TAX REGULATIONS -- SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 468A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the Federal income tax treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted, and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25070
NPRM Comment Period End	09/08/86	51 FR 25070
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-18-85.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI01

2531. INCOME TAX--THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 6134
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-254-81.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: J. Richard Harvey (202) 535-6960.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB55

2532. ● SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar- value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/87	

Small Entity: No

Additional Information: LR-30-87

Drafting attorney: Arthur E. Davis III(202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Tom Evans (202) 566-2784.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AK65

2533. INCOME TAX--RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501(c)(12) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Hearingheld 5/31/84	03/26/84	49 FR 1186
Final Action	12/01/87	

Small Entity: Not Applicable

Additional Information: EE-17-81.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett, McCarty.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD99

2534. INCOME TAX--LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-152-79.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Susan Thompson Baker (202) 566-3294.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB66

2535. INCOME TAX--SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613(a) Internal Revenue Code of 1986; 26 USC 703(a) Internal Revenue Code of 1986; 26 USC 705(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-105-75.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB73

2536. INCOME TAX--TO CONFORM TO SEC 3 OF THE ACT OF 12/28/80

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613A(c)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Final Action	07/31/89	

Small Entity: Not Applicable

Additional Information: LR-35-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB74

2537. ● INCOME TAX - APPLICATION OF EFFECTIVE DATE FOR NEW RULES REGARDING DEDUCTIONS FOR MEAL, TRAVEL, AND ENTERTAINMENT TO PARTNERSHIPS AND S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 702 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance to taxpayers relating to the effective date for new rules regarding deductions for meal, travel and entertainment to partnerships and S corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-28-87

Drafting Attorney: David R. Haglund (202) 566-3297.

Reviewing Attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Roberts.

TREAS—IRS

Final Rule Stage

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AK85

2538. TAXABLE YEARS OF CERTAIN PARTNERSHIPS (TEMPORARY)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The project provides temporary regulations with respect to the taxable year of certain partnerships.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-100-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury reviewer: J. Richard Harvey (202) 566-4902.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AJ46

2539. MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NOT APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 807 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 0083
NPRM Comment Period End	03/03/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-71-86.

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK04

2540. INCOME TAX REGULATIONS-DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 817 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32664
NPRM Comment Period End	11/14/86	51 FR 32664
Hearing	07/01/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-295-84.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8278.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG79

2541. ● TREATMENT OF SALVAGE AND REINSURANCE IN DETERMINING LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the treatment of salvage and reinsurance recoverable in determining the paid and unpaid losses of property and casualty insurance companies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-64-87

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK48

2542. TEMPORARY INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the discounting of unpaid losses by property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of company's loss payment pattern.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-138-86.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3238**

RIN: 1545-AI96

2543. INCOME TAX--ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986; 26 USC 1442 Internal Revenue Code of 1986; 26 USC 3401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None.

Abstract: The regulations would provide rules with respect to the taxation of original issue discount on bonds and obligations held by nonresident alien individuals and foreign corporations. The regulations would also provide guidance to withholding agents for withholding tax on original issue discount on such bonds and obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/76	41 FR 28517
NPRM Comment Period End	09/09/76	41 FR 28517
Hearing	11/18/76	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-237-86

Drafting attorney: Theresa E. Bearman (202) 566-3407.

Reviewing attorney: Robert A. Katcher (202) 566-3407.

Agency Contact: Theresa E. Bearman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3407**

RIN: 1545-AB93

2544. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND SECOND LEVEL WITHHOLDING TAXES (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/87	

Small Entity: Undetermined

Additional Information: INTL-979-86

Drafting Attorney: Richard M. Elliott (202) 566-6457

Reviewing Attorney: Benedetta A. Kissel (202) 566-3179

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: Richard M. Elliott, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545-AJ77

2545. INCOME TAX--RECAPTURE OF OVERALL FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904(f) Internal Revenue Code of 1986; PL 97-248, Sec 211

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for determining the amount of and recapturing overall foreign losses. An overall foreign loss under any one of the separate limitations on the foreign tax credit may offset the taxpayer's United States tax on United States source income in the year of the loss. The recapture rules provide that a portion of the taxpayer's foreign taxable income under the same limitation in subsequent years is to be recharacterized as United States source income, thereby reducing the taxpayer's foreign tax credit and preventing a double tax benefit from the loss.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3193
Hearing	06/05/86	51 FR 11323
Final Action	10/31/87	

Small Entity: Not Applicable

Additional Information: INTL-47-86

Drafting attorney: Carolyn M. DuPuy (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Carolyn M. DuPuy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC05

2546. INCOME TAX--TEMPORARY REGULATIONS--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4

Legal Deadline: None.

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL - 61-86

Drafting attorney: Gerard Traficanti (202) 566-6384.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay

Draft of the Treasury decision to International Tax Counsel, on October 19, 1982.

Agency Contact: Gerard Traficanti, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 5531, Washington, D.C. 20224, **202 566-6384**

RIN: 1545-AC09

2547. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925(b)(1) Internal Revenue Code of 1986; 26 USC 925(b)(2) Internal Revenue Code of 1986; 26 USC 927(d)(2)(B) Internal Revenue Code of 1986; 26 USC 927(e)(1) to 927(e)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for Application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and Other Special FSC provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment Period End	05/02/87	52 FR 6467
Final Action	04/01/88	

Small Entity: Not Applicable

Additional Information: INTL - 153-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel reviewing attorney: D. Crowe (302) 566-8275.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AI16

2548. INCOME TAX--TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	48 FR 33912
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-182-78.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC20

2549. INCOME TAX--SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain information reporting requirements.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/15/87	

Small Entity: Not Applicable

Additional Information: LR-118-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ03

2550. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092(b)(1) Internal Revenue Code fo 1986; 26 USC 1092(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Hearing	05/02/85	
Final Action	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-299-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH59

2551. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Hearing	05/02/85	
Final Action	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-297-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3294.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH60

2552. INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-276-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC35

2553. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
Temporary Regulation	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-10-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-3287**

RIN: 1545-AI72

2554. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computer based on constant interest accrual. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
Final Action	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-189-84.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

TREAS—IRS **Final Rule Stage**

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH46

2555. ● TEMPORARY REGULATION--APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide ruling relating to the section 1374 built-in gains tax to C corporations electing S corporation status

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/04/88	

Small Entity: Not Applicable

Additional Information:

LR-6-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK91

2556. INCOME TAX--CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1378 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	48 FR 03637
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1-83.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF30

2557. APPLICATIONS FOR EXEMPTION FROM SELF-EMPLOYMENT TAXES FOR MINISTERS, ETC

Legal Authority: 26 USC 1402 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide guidance with respect to applications for exemption from self-employment taxes under section 1402 (e) for ministers, members of a religious order and Christian Science practitioners.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12194
NPRM Comment Period End	06/15/87	52 FR 12194
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-154-86

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3297.

Treasury attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3297**

RIN: 1545-AJ94

2558. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: PL 97-248, Sec 342; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-41-86

Drafting attorney: Lilo A. Hester (202) 566-5862.

Reviewing attorney: Michael F. Patton (202) 566-5862.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Lilo Alfreida Hester, Attorney, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Suite 3319, Washington, DC 20024, **202 287-4851**

RIN: 1545-AH86

2559. INCOME TAX--CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

TREAS—IRS **Final Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing	12/10/84	
Final Action	12/31/87	

Small Entity: No

Additional Information: LR-97-79.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC48

2560. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: LR-15-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3458

RIN: 1545-AI58

2561. ● TEMPORARY REGULATIONS-CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporate acquisitions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/11/88	

Small Entity: Not Applicable

Additional Information:

LR-4-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AK95

2562. ● CROSS-REFERENCE--ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8471
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information:

LR-23-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AK88

2563. INCOME TAX--TO REFLECT THE U.S. SUPREME COURT IN U.S. V. VOGEL FERTILIZER CO., HOLDING THAT EACH MEMBER OF STOCKGROUP MUST OWN STOCK IN EACH BROTHER-SISTER CORP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1563(a)(2) Internal Revenue Code of 1986; 26 USC 52 Internal Revenue Code of 1986; 26 USC 414(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations relating to the definition of a brother-sister controlled group of corporations are to be amended to conform to the Supreme Court decision in U.S. v. Vogel Fertilizer Company, which held that a person's stock ownership is not taken into account for purposes of the 80% ownership test unless that person owns stock in each brother-sister corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52081
NPRM Comment Period End	01/16/84	48 FR 52081
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-35-82.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Rocap.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AC59

2564. ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None.

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	48 FR 35143
Final Action	12/00/88	

Small Entity: Not Applicable

Additional Information: LR-181-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC63

2565. ESTATE AND GIFT TAXES--INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None.

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	49 FR 21350
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-211-76.

Drafting attorney: Christopher J. Wilson (202) 566-4336.

Reviewing attorney: Fredric E. Grundeman (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Scherbel.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC67

2566. ESTATE TAX--GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 (b) Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation-skipping transfers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	
Final Action	01/00/88	

Small Entity: Not Applicable

Additional Information:

LR-127-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AJ12

2567. EMPLOYMENT TAX--TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-23-82.

Drafting Attorney: Renay France (202) 566-3459.

TREAS—IRS **Final Rule Stage**

Reviewing Attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC77

2568. SUBMISSION OF CERTAIN WITHHOLDING EXEMPTION CERTIFICATES AND ENTITLEMENTS TO ADDITIONAL WITHHOLDING EXEMPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3402 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This document provides proposed regulations that relate to the submission of withholding exemption certificates when the total number of withholding exemptions claimed on a certificate exceed 10 and to the requirements that an employee must meet to be entitled to the additional withholding exemption in respect of the standard deduction.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45132
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information:

LR-144-86.

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing Attorney: John M. Coulter (202) 566-4473.

Treasury Attorney: Pat McClanahan (202) 566-2929.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ30

2569. TO PROVIDE TEMPORARY REGULATIONS RELATING TO BACKUP WITHHOLDING WHERE THE SERVICE NOTIFIES PAYOR TO WITHHOLD DUE TO AN INCORRECT TAXPAYER IDENTIFICATION NUMBER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986; 26 USC 6676 Internal Revenue Code of I986

CFR Citation: 26 CFR 35a

Legal Deadline: None.

Abstract: These regulations will prescribe when withholding is required when the Internal Revenue Service notifies the payor of an incorrect taxpayer identification number. The regulations will also describe that no withholding is required if the payee, within 30 days of the Service's notification, certifies under penalties of perjury that the name and taxpayer identification number are correct. If no certification is received within 30 days, backup withholding applies until such certification is received.

Timetable:

Action	Date	FR Cite
Temporary regulation	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-7-84.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Susan Himes (202) 535-6963.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AF90

2570. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES--REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None.

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-214-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3297.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE62

2571. ● SALES OF DIESEL AND SPECIAL MOTOR FUEL FROM UNATTENDED LOCATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: This project will address the requirements for nontaxable sales of diesel or special motor fuel from unattended locations and what recordkeeping requirements must be met for such sales.

Timetable:

Action	Date	FR Cite
Final Action	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-60-87

Drafting Attorney: William A. Jackson (202) 566-4336.

Reviewing Attorney: Ada Rousso (202) 566-3287.

Treasury Attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AK99

2572. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None.

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/88	

Small Entity: Not Applicable

Additional Information: LR-142-83.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF79

2573. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None.

Abstract: These regulations will define the term "first retail sale" and provide rules relating to the determination if the retail sales price where the tax is paid by the manufacturer and where a long-term lease is treated as a taxable sale.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: LR-1-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-4336

RIN: 1545-AI62

2574. MANUFACTURERS AND RETAILERS EXCISE TAXES--TAXES ON FUELS, TIRES AND GASOLINE

Legal Authority: 26 USC 4071 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 6420 Internal Revenue Code of 1986; 26 USC 6427 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the rates of tax on certain fuels and gasohol. In addition, the regulations will provide guidance concerning the tax on tires.

Timetable:

Action	Date	FR Cite
NPRM	08/22/85	50 FR 33977
NPRM Comment Period End	10/21/85	
Hearing	01/14/86	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-119-83.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF58

2575. ● REDUCTION OF THE HEAVY VEHICLE USE TAX FOR FOREIGN-BASED TRUCKS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4481 Internal Revenue Code of 1986

CFR Citation: 26 CFR 41

Legal Deadline: None.

Abstract: This project will address how the heavy vehicle use tax will be imposed on foreign-based trucks at a reduced rate and what proof of payment of the tax must be presented upon entry into the United States.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-32-87

Drafting Attorney: William A. Jackson (202) 566-4336.

Reviewing Attorney: Ada Rousso (202) 566-3287.

Treasury Attorney: Mark Perlis (202) 566-8278.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AK97

2576. ● TRANSITIONAL RULES RELATING TO INDEBTEDNESS TREATED AS PAYMENT ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance to taxpayers in applying a 3-year phase-in transitional rule on the application of section 453C,

which treats indebtedness as the receipt of payments on installment obligations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-20-87

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Lorry Spitzer (202) 535-6968.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK54

2577. INCOME TAX--LOBBYING BY PUBLIC CHARITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501(h) Internal Revenue Code of 1986; 26 USC 504 Internal Revenue Code of 1986; 26 USC 4911 Internal Revenue Code of 1986; 26 USC 170(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Legal Deadline: None.

Abstract: The regulations will provide rules primarily applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40211
NPRM Comment Period End	04/03/87	52 FR 802
Hearing	05/11/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-154-78.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McDowell, Spitzer.

Agency Contact: Paul G. Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE02

2578. EXCISE TAX--ELECTION TO AGGREGATE LINES OF BUSINESS FOR PURPOSES OF CERTAIN FRINGE BENEFIT EXCLUSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4977 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54

Legal Deadline: None.

Abstract: Regulations will provide guidance in the manner of making an election under section 4977. The regulations will also provide rules concerning the requirements for making a section 4977 election.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	
Hearing See additional information	04/16/85	50 FR 7072
Final Action	06/30/88	

Small Entity: No

Additional Information: LR-18-86.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: Susan Scherbel (202) 535-6965.

Proposed and temporary regulations under section 4977 were published together with other fringe benefits regulations (LR-216-84) and the subject of public hearings. Additional section 4977 regulations will be provided exclusively in this project.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3238**

RIN: 1545-AI63

2579. EXCISE TAX--DEFINITION OF NEWLY DISCOVERED OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4997 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the net income limitation on windfall profit and the exemption for Alaskan oil.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50306
NPRM Comment Period End	01/04/83	47 FR 50306
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-224-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC96

2580. EXCISE TAX--ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the

amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-225-81.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC94

2581. EXCISE TAX--INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4993 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35517
NPRM Comment Period End	11/09/84	49 FR 35517
Hearing	07/26/85	
Final Action	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-67-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD04

2582. EXCISE TAX--OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986; 26 USC 4992 Internal Revenue Code of 1986; 26 USC 4994 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: The proposed regulations provide rules and definitions relating to oil from a stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	48 FR 2552
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-217-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD01

2583. EXCISE TAX--DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Hearing	02/25/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-34-82.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David A. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD08

2584. ELIMINATION OF FORM 941 FILING REQUIREMENT FOR QUARTERS IN WHICH SEASONAL EMPLOYERS PAY NO WAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: Regulations would direct the public to the instructions to Form 941 to find exceptions to the filing requirements of the form for seasonal and intermittent employers with respect to quarters in which no wages were paid.

Timetable:

Action	Date	FR Cite
Final Action	11/01/87	

Small Entity: Not Applicable

Additional Information: LR-57-86.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545-AI56

2585. EXCISE TAX -- PART 54 -- PROCEDURE AND ADMINISTRATION-- PART 301 -- FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/02/87	52 FR 10583
NPRM Comment Period End	06/01/87	52 FR 10583
Final Action	12/31/87	

Small Entity: No

Additional Information: EE-151-86

Drafting Attorney: Suzanne K. Tank (202) 566-3422.

Reviewing Attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Cross Reference to EE-150-86.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4322

RIN: 1545-AI83

2586. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-198-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE40

2587. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These temporary regulations will provide rules relating to nominee reporting of partnership interest which such nominee hold s for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/30/87	

Small Entity: Not Applicable

Additional Information: LR-155-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: A. L. Spitzer (202) 535-6968.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ97

2588. INFORMATION REPORTING OF ALLOWANCES, OR REIMBURSEMENTS, OR CHARGES FOR TRAVEL AND OTHER EXPENSES OF PUBLIC SECTOR EMPLOYEES AND CERTAIN OTHER PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would make clear that all employers, including the United States, a State, Territory or a political subdivision thereof, and the District of Columbia, are required to report amounts provided to persons in the military or civil service as allowances reimbursements, or charges for traveling and other business expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence, except to the extent that such persons are required to and do account to the employer for such expenses within the meaning of Sec. 1.162-17(b)(4).

Timetable:

Action	Date	FR Cite
NPRM	01/09/86	51 FR 985
NPRM Comment Period End	03/10/86	51 FR 985
Final Action	10/01/87	

Small Entity: Not Applicable

Additional Information: LR-59-85.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC attorney: Marjorie Roberts (202) 566-2561.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AI42

2589. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646
Hearing	03/28/84	49 FR 645
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-201-83.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG02

2590. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-62-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG52

2591. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would propose rules relating to the reporting of real estate transactions

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10774
Hearing	07/22/87	52 FR 23308
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-95-86.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3238**

RIN: 1545-AJ25

2592. INCOME TAX--MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations propose rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33551
NPRM Comment Period End	10/21/85	50 FR 33551
Hearing	01/07/86	50 FR 46674
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-214-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Treasury attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG93

2593. FINAL REGULATIONS RELATING TO REPORTS OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-181-84.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Annette J. Guarisco (202) 566-3238.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG48

2594. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-142-84.

Drafting attorney: Paulette Galanko (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG45

2595. TIME AND MANNER OF MAKING QUARTERLY PAYMENTS OF THE RAILROAD UNEMPLOYMENT REPAYMENT TAX (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6157 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations will provide rules with respect to the time and manner of making quarterly payments of the railroad repayment tax.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	
NPRM Comment Period End	01/05/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-13-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Susan Scherbel (202) 535-6963.

Duplicate of RIN 1545-AI73

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI60

2596. INTEREST ON HOSPITAL INSURANCE TAXES ON WAGES OF STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6205 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This temporary regulation will permit interest-free adjustments for underpayments of hospital insurance taxes with respect to wages of state and local government employees hired after March 31, 1986.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/87	

Small Entity: No

Additional Information: LR-47-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter Jr., (202) 566-4473.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AI45

2597. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various

elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-205-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Gerald W. Rock (202) 566-3930.

Treasury Attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE51

2598. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602; 26 CFR 51

Legal Deadline: None.

Abstract: These regulations will provide a small S corporation exception to the unified corporate audit procedures of subchapter D of chapter 63 of the Internal Revenue Code. These regulations also will define subchapter S items for purposes of the income tax and windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	52 FR 3027
NPRM Comment Period End	03/31/87	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-74-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Bryan P. Collins (202) 566-4979.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ99

2599. INCOME TAX--DEPOSIT OF ESTIMATED INCOME TAX BY CERTAIN PRIVATE FOUNDATIONS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance regarding deposits by certain private foundations and tax-exempt organizations of estimated income taxes. The Tax Reform Act of 1986 requires these organizations to make quarterly estimated tax payments.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46689
NPRM Comment Period End	01/23/87	51 FR 46689
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-132-86.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Spitzer.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3590

RIN: 1545-AJ43

2600. ● ELECTRONIC FILING OF NOTICE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulation clarifies that the term "Form 668" as used in section 6323 (f) (3) of the Code includes a notice of magnetic medium where the law of the state in which a notice of Federal tax lien is filed permits such method of filing.

Timetable:

Action	Date	FR Cite
Temporary Regulation	09/15/87	

Small Entity: Not Applicable

Additional Information: LR-18-87

Drafting Attorney: Lauren G. Shaw (202) 566-3287.

Reviewing Attorney: Ada S. Rousso (202) 566-3287.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AL00

2601. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
NPRM Comment Period End	11/30/85	50 FR 39713
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-291-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

TREAS—IRS **Final Rule Stage**

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG95

2602. PROCEDURE AND ADMINISTRATIVE--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17949
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-72-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK12

2603. ● PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-35-87

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK70

2604. PROCEDURE AND ADMINISTRATION REGULATIONS--MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-280-82.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF10

2605. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406
Final Action	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-180-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Patricia A. McClanahan (202) 566-2927.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG75

2606. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

TREAS—IRS

Final Rule Stage

Legal Deadline: None.

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing	06/26/84	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-228-82.

Drafting attorney: Renay France (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Marjorie Roberts (202) 566-2567.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AE37

2607. PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/87	

Small Entity: No

Additional Information: LR-141-86

Drafting Attorney: Renay France (202) 566-3459.

Reviewing Attorney: Sharon Galm (202) 566-3930.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, IIII Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AJ26

2608. ● PROCEDURE AND ADMINISTRATION--PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 405

Legal Deadline: None.

Abstract: This regulation provides guidance with respect to property seized by the Internal Revenue Service under the Money Laundering Control Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-24-87

Drafting Attorney: David Haglund (202) 566-3297.

Agency Contact: David Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3297

RIN: 1545-AL04

2609. AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47563
NPRM Comment Period End	12/19/85	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-3-85.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of International Tax Counsel reviewing attorney: Mark Perlis.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH91

2610. PROCEDURE AND ADMINISTRATION--AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1406.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AD42

2611. EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide proposed rules relating to effective dates and other questions arising under the employee benefit provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4391
Hearing	06/26/86	51 FR 15916

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: EE-96-85.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AI21

2612. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-221-83.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel: Mark Perlis.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF77

2613. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-165-84.

Drafting attorney: Sharon L. Hall (202) 566-3828.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Marjorie Roberts

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3828**

RIN: 1545-AH72

2614. INCOME TAX--MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 46 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Legal Deadline: None.

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period End	03/29/76	41 FR 04280
Hearing	07/07/76	
Final Action	10/01/88	

Small Entity: Not Applicable

Additional Information: LR-149-75.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AD46

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

2615. INCOME TAX--JOINT OWNERSHIP OF ENERGY ITEMS & RENEWABLE ENERGY SOURCE EXPENDITURES FOR PURPOSES OF THE RESIDENTIAL ENERGY CREDIT TO CONFORM TO SECS 201(A) & 202 OF THE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 23 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the public with guidance to comply with changes made to section 44C by the Energy Tax Act of 1978 and the Windfall Profit Tax Act of 1980 relating to defining passive and active solar system, subsidized energy financing and other terms pertaining to the residential energy credit.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	50 FR 45423
NPRM Comment Period End	12/30/85	50 FR 45423
Hearing	02/14/86	
Final Action T.D. 8146	07/16/87	52 FR 26667

Small Entity: Not Applicable

Additional Information: LR-73-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA03

2616. INCOME TAX--NOTICE TO EMPLOYEES OF EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 32 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the procedures necessary to implement the statutory requirement that employers notify certain employees whose wages are not subject to income tax withholding that they may be eligible for the refundable earned income credit.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8142	06/11/87	52 FR 22301

Small Entity: Not Applicable

Additional Information: LR-98-86

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Roberts (202) 566-2565.

Duplicate of RIN 1545-AK00

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI77

2617. LOW-INCOME HOUSING CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide low-income housing credit rules.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8144	06/22/87	

Small Entity: Not Applicable

Additional Information: LR-82-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave.,N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ64

2618. INCOME TAX--AMENDMENT OF [1.48-9 (C)(10),(D),&(E) TO PARTIALLY REMOVE THE LIMITATION ON THE BUSINESS ENERGY CREDIT FOR EQUIPMENT THAT USES ENERGY FROM BOTH A QUALIFIED AND A NONQUALIFIED SOURCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These proposed regulations will amend [1.48-9 (c) (10) (d), & (e) relating to the business energy investment credit ("business energy credit") for solar, wind, and geothermal energy property in order to allow certain equipment that uses solar, wind, or geothermal energy ("qualified energy") and other kinds of energy ("non-qualified energy") to be eligible for the business energy credit to the extent of its basis or cost allocable to its annual use of qualified energy so long as the use of non-qualified energy input of the equipment in any calendar year.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44315
NPRM Comment Period End	02/09/87	
Final Action T.D. 8147	07/21/87	52 FR 27336

Small Entity: Not Applicable

Additional Information: LR-160-83

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AI97

2619. ● CORPORATE ALTERNATIVE MINIMUM TAX BOOK INCOME ADJUSTMENT

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 56(c)(1) Internal Revenue Code of 1986; 26 USC 56(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will describe rules for the computation of the alternative minimum net book income adjustments imposed on corporations.

Timetable:

Action	Date	FR Cite
Final Action -T.D. 8138	04/27/87	52 FR 15305

Small Entity: No

Additional Information: LR-11-87

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel attorney: Tom Evans (202) 566-4902.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AK19

2620. ● INCOME TAX--PART 1--TREATMENT OF INCOME OF CERTAIN INNOCENT SPOUSES IN COMMUNITY PROPERTY STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 66 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide guidance on the treatment of income of certain innocent spouses in community property states.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/23/87	

Small Entity: Not Applicable

Additional Information: LR-41-81

Drafting attorney: Paulette Galanko (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Agency Contact: Paulett Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK55

2621. INCOME TAX--EARLY WITHDRAWALS FROM DEFERRED ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules for reporting amounts withdrawn from deferred annuities.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: LR-279-82.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-2926.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF08

2622. INCOME TAX--FLEXIBLE PREMIUM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules for determining what portion (if any) of a flexible premium life insurance contract is life insurance for purposes of section 101 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/09/87	

Small Entity: Not Applicable

Additional Information: LR-308-82.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF28

2623. PRIVATE LOAN BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to private loan bonds. The regulations will explain the meaning of the term "loan" for purposes of this provision. The regulations will also provide guidance on which obligations are not private loan bonds.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/23/87	

Small Entity: Not Applicable

Additional Information: LR-20-85.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH97

2624. INCOME TAX--CONTRIBUTIONS IN AID OF CONSTRUCTION FOR CERTAIN UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 118(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Notice would define and interpret when a utility has received a contribution in aid of construction. Changes to the applicable law were made by section 2120 of the Tax Reform Act of 1976 and section 364 of the Tax Reform Act of 1978.

TREAS—IRS

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM - Previous Closed without regulations	09/27/78 12/09/86	

Small Entity: Not Applicable

Additional Information: LR-136-76.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Rocap.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA71

2625. INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8129	03/11/87	

Small Entity: Not Applicable

Additional Information: LR-145-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ62

2626. CONTINUATION COVERAGE REQUIREMENT OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106(b) Internal Revenue Code of 1986; 26 USC 162(i)(2) Internal Revenue Code of 1986; 26 USC 162(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/10/87	

Small Entity: Not Applicable

Additional Information: EE-144-86

Drafting Attorney: Mark Schwimmer (202) 566-6212.

Reviewing Attorney: Michael Thrasher (202) 566-6212.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Cross Reference to EE-143-86.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AI94

2627. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (k)(4) Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain how to allocate interest expense among expenditures in order to apply the passive loss, investment interest, personal interest, and other limitations on interest expense.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/87	52 FR 24996
NPRM	07/02/87	52 FR 25036
Final Action T.D. 8145	07/02/87	52 FR 24996
NPRM Comment Period End	08/31/87	52 FR 25036

Small Entity: Not Applicable

Additional Information: LR-125-86

Drafting attorney: Michael J. Grace (202)566-3288.

Reviewing attorney: John H. Parcell (202)566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK09

2628. ACCELERATED COST RECOVERY SYSTEM--REPLACEMENT-RETIREMENT-BETTERMENT (RRB) PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: To provide regulations under section 168 (f) (3) relating to the cost recovery of retirement-replacement-betterment (RRB) property placed in service before January 1, 1985.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8116	12/24/86	51 FR 46618

Small Entity: Not Applicable

Additional Information:

LR-147-86.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: Ada S. Rousso, Acting Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AJ22

2629. ● PRACTICAL CAPACITY

Legal Authority: 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide guidance on specific issues relating to when section 263A applies and whether certain accounting principles are permitted in accounting for the costs of property produced or property acquired for resale.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8148	08/07/87	52 FR 29375
Temporary Regulation	10/01/87	

Small Entity: Yes

Additional Information: LR-36-87

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Thomas Evans (202) 566-2784.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK58

2630. INCOME TAX--AMORTIZATION OF PRODUCTION COST OF MOTION PICTURES, BOOKS, RECORDS, AND OTHER SIMILAR PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280 Internal Revenue Code of 1986; PL 94-455, Sec 210 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers relating to the amortization of certain production costs that are otherwise not capitalized. The regulations relate to production costs for motion pictures, books, records, and similar property.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-220-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB08

2631. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognitions provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the section conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8087	05/16/86	51 FR 17936
Hearing	12/01/86	

Small Entity: Not Applicable

Additional Information: INTL-40-86.

Drafting attorney: Steven Lipschutz (202) 566-3319.

Reviewing attorney: Charles Saverude (202) 566-6008.

Treasury attorney: Mary Bennet (202) 566-5992.

Amendments to LR-150-84 (INTL-40-86) will be made by INTL-765-86.

Agency Contact: Steven Lipschutz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545-AG68

2632. ● LIMITATIONS ON ACCOUNTING PERIOD CHANGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 441 Internal Revenue Code of 1954; 26 USC 442 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 706 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The temporary regulations relate to certain changes, adoptions, and retentions of annual accounting period. In general, the temporary regulations limit the ability of certain taxpayers to change to, adopt, or retain a taxable year that is a fiscal year (including a 52-53-week taxable year ending with reference to the month of December) during the period to which the temporary regulations apply.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8135	02/05/87	52 FR 03615

Small Entity: Not Applicable

Additional Information: LR-92-86

Drafting attorney: Arthur Davis (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: J. Richard Harvey (202) 535-6960.

Agency Contact: Arthur Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK59

2633. ● LIMITATION ON THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to certain C corporations, partnerships with such C corporations as partners and tax shelter's prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8143	06/16/87	52 FR 22764

Small Entity: Not Applicable

Additional Information: LR-19-87

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Tom Evans (202) 566-2784.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AK53

2634. TEMPORARY INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/11/87	

Small Entity: Not Applicable

Additional Information: LR-161-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH31

2635. INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/11/87	

Small Entity: Not Applicable

Additional Information: LR-259-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH35

2636. ● INCOME TAX--PART 1--TO PROVIDE REGULATIONS RELATING TO THE ELECTION FOR ACCRUAL VACATION PAY UNDER TRANSITIONAL RULE PROVIDED IN SECTION 91(i) OF TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 463 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance in making the election for accrued vacation pay under the transitional rule provided in section 91(i) of TRA 1984.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/11/87	

Small Entity: Not Applicable

Additional Information: LR-255-84

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Annette Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AK51

2637. INCOME TAX REGULATIONS - DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the accrued of rent for the use of tangible property (and interest on rent that accrued but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/16/87	

Small Entity: Not Applicable

Additional Information: LR-293-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG80

2638. ● INCOME TAX--PART 1. CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980 RELATING TO QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 473 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations relate to certain liquidations of inventories accounted for under the last-in, first-out method. Changes to the applicable tax law were made by the Crude Oil Windfall Profit Tax Act of 1980. The proposed regulations would provide the public with the guidance needed to comply with the law.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/28/87	

Small Entity: Not Applicable

Additional Information: LR-82-80

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Thomas Evans (202) 566-4902.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK66

2639. NONDISCRIMINATION REQUIREMENTS UNDER SECTIONS 501 (C) (9) AND (20)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 505 (a) Internal Revenue Code of 1986; 26 USC 505 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance with respect to the nondiscrimination requirements for voluntary employees' beneficiary associations and group legal service plans.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/12/87	

Small Entity: Not Applicable

Additional Information: EE-68-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG23

2640. TREATMENT OF GRADED PREMIUM POLICIES UNDER THE APPROXIMATE REVALUATION METHOD OF RECOMPUTING RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 818(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the treatment by life insurance companies of graded premium policies for purposes of recomputing life insurance reserves under the approximate revaluation method.

Timetable:

Action	Date	FR Cite
NPRM	11/08/83	48 FR 51331
NPRM Comment Period End	01/09/84	48 FR 51331
Closed without final regulations	12/09/87	

Small Entity: Not Applicable

Additional Information: LR-276-82.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF03

2641. INCOME TAX--TO CLARIFY THE TREATMENT OF CERTAIN AMOUNTS REFUNDED IN REINSURANCE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 Internal Revenue Code of 1986; 26 USC 820 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The rules will clarify the treatment of certain amounts refunded in reinsurance transaction, and provide rules with respect to the allocation of certain items in modified coinsurance contracts for purposes of an election under section 820. These regulations would affect life insurance companies that enter into coinsurance and modified coinsurance transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/19/82	47 FR 11882
NPRM Comment Period End	05/18/82	47 FR 11882
Withdrawn	01/26/87	52 FR 2724

Small Entity: Not Applicable

Additional Information: LR-276-81.

Drafting attorney: Alice Bennett (202)566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB86

2642. ● AMENDMENTS OF REGULATIONS TO CONFORM TO SECTION 861(A)(7) (RELATING TO SOURCE OF INCOME OF UNDERWRITING INCOME) AS ADDED BY SECTION 1036 OF PUB. LAW 94-455

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance on amounts received as underwriting income treated as income from sources within the United States.

TREAS—IRS

Completed Actions

Timetable:

Action	Date	FR Cite
Closed without regulations	04/28/87	

Small Entity: Not Applicable

Additional Information: LR-71-77

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK67

2643. PROPOSED REGULATIONS RELATING TO CERTAIN AMOUNTS TREATED AS INTEREST FOR PURPOSES OF THE LIMITATION ON THE FOREIGN TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the treatment of interest income of a U.S. person that is attributable to separate limitation interest income of a RICs or certain foreign corporations for purposes of the separate foreign tax credit limitations for interest.

Timetable:

Action	Date	FR Cite
Withdrawn	01/16/87	52 FR 438
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-63-86.

Drafting attorney: Marnie J. Carro (202) 566-3494.

Reviewing attorney: Charles C. Saverude (202) 566-3913.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3494**

RIN: 1545-AH84

2644. FSC GENERAL RULES, REQUIREMENTS, DEFINITIONS, AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 921 Internal Revenue Code of 1986; 26 USC 922 Internal Revenue Code of 1986; 29 USC 927 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide general rules regarding the requirements that a corporation must meet to be a foreign sales corporation (FSC) (or small FSC) and tax treatment of a FSC (or a small FSC) and specific rules regarding the requirements for FSC or small FSC status, the methods of elections and terminating FSC status, and the definition of and computation of carrying charges on sales of property by an FSC.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48322
Final Action Effective	01/01/85	52 FR 6468
NPRM Comment Period End	02/11/85	49 FR 48322
Hearing held	05/13/85	
Final Action T.D. 8127	03/03/87	52 FR 6468

Small Entity: Not Applicable

Additional Information: INTL-46-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorney: D. Crowe (202) 566-8275.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AG67

2645. TEMPORARY REGULATIONS RELATING TO FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED DEDUCTION AND OTHER SPECIAL RULES FOR FSCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925(b)(1) Internal Revenue Code of 1986; 26 USC 925(b)(2) Internal Revenue Code of 1986; 26 USC 927(d)(2)(B) Internal Revenue Code of 1986; 26 USC 927(e)(1) to 927(e)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide temporary rules for application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and other special FSC Provisions.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/85	52 FR 6428
Final Action T.D. 8126	03/03/87	52 FR 6428

Small Entity: Not Applicable

Additional Information: INTL - 154-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel reviewing attorney: D. Crowe (202) 566-8275.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AI17

2646. TO PROVIDE REGULATIONS RELATING TO EXTENSION OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 103A Internal Revenue Code of 1986

CFR Citation: 26 CFR 6a.103A-3

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the additional requirements enacted to restrict the issuance of qualified veterans' mortgage bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48323
Final Action Effective	01/01/85	50 FR 35540
NPRM Comment Period End	02/12/85	
Final Action T.D. 8049	09/03/85	50 FR 35540

Small Entity: Not Applicable

Additional Information: LR-240-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Suzanne McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AI36

2647. ● INCOME TAX--PART 1, BASIS LIMITATION AND RECAPTURE OF DEPRECIATION ON PLAYER CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1056 Internal Revenue Code of 1986; 26 USC 1245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the basis limitation and recapture of depreciation on player contracts.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/28/87	

Small Entity: Not Applicable

Additional Information: LR-222-76

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: John Wessel (202) 566-4979.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK69

2648. INCOME TAX--TREATMENT OF S CORPORATION AS A PARTNERSHIP FOR CERTAIN PURPOSES OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1372 Internal Revenue Code of 1986; 26 USC 1373 Internal Revenue Code of 1986; 26 USC 613A Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance to taxpayers relating to the treatment of S corporation as partnership for purposes of certain provisions of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/23/87	

Small Entity: Not Applicable

Additional Information: LR-266-82.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Brian Collins

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE28

2649. APPLICATIONS FOR EXEMPTION FROM SELF-EMPLOYMENT TAXES FOR MINISTERS, ETC

Legal Authority: 26 USC 1402 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide guidance with respect to applications for exemption from self-employment taxes under section 1402 (e) for ministers, members of a religious order and Christian Science practitioners.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/87	52 FR 12161
Final Action T.D. 8136	04/15/87	52 FR 12161

Small Entity: Not Applicable

Additional Information: LR-153-86

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G.Schmalz (202) 566-3297.

Treasury attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3297**

RIN: 1545-AJ82

2650. ● TEMPORARY REGULATIONS--ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide rules relating to the affiliation requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8130	03/13/87	52 FR 8447

Small Entity: Not Applicable

Additional Information:

LR-5-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AK89

2651. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8131	03/30/87	52 FR 10052

Small Entity: Not Applicable

Additional Information: LR-129-86

Drafting attorney: Paulette C. Galanko (202) 566-3297.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI95

2652. EMPL. TAX--SOCIAL SECURITY TAX ON EMPLOYERS OF INDIVIDUALS WHO RECEIVE INCOME FROM TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121(t) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations would provide guidance for determining the amount of wages on which an employer of a tipped employee must pay social security tax if the employer pays the employee less than the minimum wage.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: LR-35-78.

Drafting attorney: Beverly Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC76

2653. ELECTIONS BY CHURCHES AND QUALIFIED CHURCH-CONTROLLED ORGANIZATIONS TO EXCLUDE SERVICE PERFORMED IN THEIR EMPLOY FROM EMPLOYMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 (w) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 5h; 26 CFR 31

Legal Deadline: None.

Abstract: These regulations provide the manner in which churches and qualified church-controlled organizations may elect to exclude service performed in their employ from employment and the subsequent treatment of remuneration from such excluded service with respect to self employment taxes.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/04/87	

Small Entity: Not Applicable

Additional Information: LR-239-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH63

2654. NOTICE OF PROPOSED RULEMAKING RELATING TO THE APPLICATION OF MEDICARE TAX TO NEWLY HIRED STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: These regulations proved guidance on the application of the Medicare tax to newly hired state and local government employees.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/23/87	

Small Entity: No

Additional Information: LR-56-86

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3226.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI76

2655. SUBMISSION OF CERTAIN WITHHOLDING EXEMPTION CERTIFICATES AND ENTITLEMENT TO ADDITIONAL WITHHOLDING EXEMPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3402 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This document provides temporary regulations that relate to the submission of withholding exemption certificates when the total number of withholding exemptions claimed on a certificate exceeds 10, and to the requirements that an employee must meet to be entitled to the additional withholding exemption in respect of the standard deduction.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8112	12/17/86	

Small Entity: Not Applicable

Additional Information: LR 143-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Patricia McClanahan (202) 566-2929.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ32

2656. REGULATIONS ON BACKUP WITHHOLDING IN CASE OF A NOTIFIED PAYEE UNDERREPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: These regulations will provide rules relating to when a payer of reportable interest and dividends must withhold on such payments, how to inform payees when they are subject to withholding, and how payees can correct the situation that subjected them to backup withholding.

Timetable:

Action	Date	FR Cite
Closed Without Regulations	04/16/87	

Small Entity: Not Applicable

Additional Information: LR-86-85.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473 and Renay France (202) 566-3459.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH83

2657. TEMPORARY REGULATIONS ON BACKUP WITHHOLDING IN CASE OF A NOTIFIED PAYEE UNDERREPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 (i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35a

Legal Deadline: None.

Abstract: These temporary regulations will provide rules relating to when a payor of reportable interest and dividends must withhold on each payments, how to inform payees when they are subject to withholding, and how payees can correct the situation that subjected them to backup withholding.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8137	04/23/87	

Small Entity: Not Applicable

Additional Information: LR-160-86.

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing Attorney: John M. Coulter (202) 566-4473.

Reviewing Attorney: Renay France (202) 566-3459.

Treasury Attorney: Richard D'Avino (202) 566-4979.

Treasury Attorney: Susan Hines (202) 566-8527.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ33

2658. EXCISE TAX--PART 54 -- PROCEDURE AND ADMINISTRATION--PART 301--FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8133	04/02/87	52 FR 10563

Small Entity: No

Additional Information: EE-150-86

Drafting Attorney: Suzanne K. Tank (202) 566-3422

Reviewing Attorney: James L. Brokaw (202) 566-4173

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277

Cross Reference to EE-151-86

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI84

2659. RETURNS REQUIRED ON MAGNETIC MEDIA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will clarify that the failure to file an information return on a machine-readable form when required to do so is treated as a failure to file the return and may result in the imposition of a failure to file penalty.

Timetable:

Action	Date	FR Cite
Final Action : T.D. 8140	05/21/87	52 FR 19136

Small Entity: Not Applicable

Additional Information: LR-162-86.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, DC 20224, **202 566-3288**

RIN: 1545-AJ50

2660. ● INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The temporary regulations relate to information that must be reported to the IRS with respect to real estate transactions. Changes to the applicable law were made by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8123	04/03/87	52 FR 10742

Small Entity: Not Applicable

Additional Information: LR-94-86

Drafting attorney: Arthur Davis (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Arthur Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK60

2661. INCOME TAX--REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/11/87	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-203-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Steven Lainoff (202) 566-5046.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE47

2662. EMPLOYEE TIP REPORTING AND SUBSTANTIATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 1072 (b) Tax Reform Act of 1984

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations contain rules relating to employee tip reporting and recordkeeping requirements to reflect changes in the tax law made by section 1072 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 29990
NPRM Comment Period End	09/23/85	
Final Action T.D. 8141	06/08/87	52 FR 21509

Small Entity: Not Applicable

Additional Information: LR-162-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH24

2663. ● PROCEDURE AND ADMINISTRATION--PART 301--REGULATIONS RELATING TO THE REQUIREMENT TO MAINTAIN A LIST OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6112 Internal Revenue Code of 1986; 26 USC 6708 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations provides guidance in the requirement to maintain a list of investors in potentially abusive tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34246
Closed without final regulations	05/11/87	

Small Entity: Not Applicable

Additional Information: LR-149-84

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3336.

Agency Contact: Annette Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK52

2664. TIME AND MANNER OF MAKING QUARTERLY PAYMENTS OF THE RAILROAD UNEMPLOYMENT REPAYMENT TAX (TEMPORARY)

Legal Authority: 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6157 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: These temporary regulations will provide rules with respect to the time and manner of making quarterly payments of the railroad unemployment repayment tax.

Timetable:

Action	Date	FR Cite
Final Action	11/05/86	51 FR 49167

Small Entity: Not Applicable

Additional Information: LR-13-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Susan Scherbel (202) 535-6963.

Duplicate of RIN 1545-AI60

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545-AI73

2665. MISCELLANEOUS PROVISIONS RELATING TO THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The temporary regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
Final Action -T.D. 8128	03/05/87	52 FR 6779

Small Entity: Not Applicable

Additional Information: LR-1-87

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Gerald W. Rock (202) 566-3287.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3297

RIN: 1545-AJ88

2666. SPECIAL RULES FOR CERTAIN REFUND CLAIMS TREATED AS SPECIAL ENFORCEMENT AREAS UNDER RULES FOR CONSOLIDATED PARTNERSHIP PROCEEDINGS

Legal Authority: 26 USC 6231 (c)(1) Internal Revenue Code of 1986; 26 USC 6231 (c)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301T

Legal Deadline: None.

Abstract: These regulations will provide rules relating to special enforcement areas under the rules for consolidated partnership proceedings. Specifically they will identify certain applications for tentative adjustments ("Quick Refunds") and refund claims attributable to abusive tax shelters as areas that have been determined to present special enforcement considerations.

Timetable:

Action	Date	FR Cite
NPRM	12/13/84	49 FR 48573
NPRM Comment Period End	02/11/85	
Closed without regulations	02/23/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-242-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Gerald W. Rock (202) 566-3287.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH00

2667. PROCEDURE AND ADMINISTRATION--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will amend temporary regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8139	05/13/87	52 FR 17949
Temporary Regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-70-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK13

2668. ● INCOME TAX--EXCEPTION TO CORPORATE ESTIMATED TAX PENALTY FOR CERTAIN INSTALLMENT PAYMENTS DUE BEFORE JULY 1, 1987

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation provides a safe harbor for installment payments of corporate estimated tax due before July 1, 1987.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8132	03/30/87	52 FR 10049

Small Entity: Not Applicable

Additional Information: LR-22-87

Drafting Attorney: Renay France (202) 566-3459.

Reviewing Attorney: John Coulter (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AK37

TREAS—IRS

Completed Actions

2669. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 6851(D) DEALING WITH CERTIFICATES OF COMPLIANCE WITH THE INCOME TAX LAWS ISSUED TO ALIENS DEPARTING THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6815 (d)

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will clarify which classes of aliens departing the United States are required to obtain certificates of compliance with the income tax laws, providing the public with the guidance needed to comply with the law.

Timetable:

Action	Date	FR Cite
Withdrawn	02/02/87	

Small Entity: Not Applicable

Additional Information: LR-2-84.

Drafting attorney: Marylouise Dionne (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

In Legislation and Regulations Division for preparation of notice. Withdrawal under current consideration.

Agency Contact: Marylouise Dionne, Attorney-Advisor Branch 3, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3499**

RIN: 1545-AF80

2670. ● PROCEDURE AND ADMINISTRATION--PART 301--INCLUSION OF NONRECOURSE INDEBTEDNESS IN FAIR MARKET VALUE OF PROPERTY FOR PURPOSES OF DETERMINING GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would provide guidance on the clarification of fair market value in the case of nonrecourse indebtedness.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/28/87	

Small Entity: Not Applicable

Additional Information: LR-264-84

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK68

[FR Doc. 87-21243 Filed 10-23-87; 8:45 am]

BILLING CODE 4830-01-T

federal register

Monday
October 26, 1987

Part XVI

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)

ACTION

45 CFR Ch. XII

Executive Order 12291 (Federal Regulation), Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Robert C. MacKichan, Jr., General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 (Federal Regulation) and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

DATED: August 27, 1987.

Donna M. Alvarado,

Director.

ACTION (ACTION)

Prerule Stage

2671. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None.

Abstract: In accordance with 42 USC 2000(d)(1) ACTION will promulgate regulations implementing provisions of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, as amended, and section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA06

2672. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: In accordance with section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA07

2673. INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Legal Authority: 5 USC 552; 42 USC 4951

CFR Citation: 45 CFR 1215

Legal Deadline: None.

Abstract: In accordance with the Freedom of Information Act, (5 USC 522), the Agency is updating its regulation concerning the release of Agency Information.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Charles Coleman, Director of Administrative Services, Office of Administration, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9242**

RIN: 3001-AA09

2674. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION

Legal Authority: 42 USC 6101; 42 USC 4951

CFR Citation: 45 CFR 1221

Legal Deadline: None.

Abstract: In accordance with 42 USC 6101 and 42 USC 4951 ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibits discrimination on the basis of

ACTION — Prerule Stage

age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jess Quintero, Director, Equal Opportunity Division, Office of Compliance, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA10

ACTION (ACTION) — Final Rule Stage

2675. SENIOR COMPANION PROGRAM: NON-STIPENDED VOLUNTEERS

Legal Authority: PL 99-551

CFR Citation: 45 CFR 1207

Legal Deadline: None.

Abstract: In accordance with provisions included in P.L. 99-551, Domestic Volunteer Service Act Amendments of 1986, regarding volunteers serving without stipend in the Foster Grandparent and Senior Companion Programs, ACTION will publish proposed additions to existing Senior Companion Program regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8479
Final Action	10/00/87	

Small Entity: No

Agency Contact: C. Wade Freeman, Assistant Director, Older American Volunteer Programs, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9355**

RIN: 3001-AA11

2676. FOSTER GRANDPARENT PROGRAM: NON-STIPENDED VOLUNTEERS

Legal Authority: PL 99-551

CFR Citation: 45 CFR 1208

Legal Deadline: None.

Abstract: In accordance with provisions included in P.L. 99-551, Domestic Volunteer Service Act Amendments of 1986, regarding volunteers serving without stipend in the Foster Grandparent and Senior Companion Programs, ACTION will publish proposed additions to existing Foster Grandparent Program regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8480
Final Action	10/00/87	

Small Entity: No

Agency Contact: C. Wade Freeman, Assistant Director, Older American Volunteer Programs, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9355**

RIN: 3001-AA12

[FR Doc. 87-21244 Filed 10-23-87; 8:45 am]

BILLING CODE 6050-28-T

federal register

Monday
October 26, 1987

Part XVII

Agency for International Development

Semiannual Regulatory Agenda

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list, in general, contact: Mr. Fred D. Allen, Office of Information Resources Management, Agency for International Development, Washington, DC 20523, Telephone (703) 875-1573.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Dated: September 8, 1987.

Ain H. Kivimae,

Deputy Assistant to the Administrator for Management.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Proposed Rule Stage

2677. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT -- EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 209

Legal Deadline: None.

Abstract: The regulation will address the problem of discrimination on the basis of race, color, or national origin in any program or activity receiving assistance from the Agency for International Development. The regulation provides that no person in the United States on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance from AID. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Leticia Peoples, Equal Opportunity Officer, Agency for International Development, Office of Equal Opportunity Programs (EOP), Room 1224 SA - 1, Washington, DC 20523, 202 663-1340

RIN: 0412-AA01

2678. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681 to 1683; 20 USC 1686

CFR Citation: 22 CFR 219, (New)

Legal Deadline: None.

Abstract: This regulation will address the problem of discrimination on the basis of sex in education programs and activities receiving or benefitting from financial assistance from the Agency for International Development. The regulation is intended to implement Title IX of the Education Amendments of 1972, as amended. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Leticia Peoples, Equal Opportunity Officer, Agency for International Development, Office of Equal Opportunity Programs (EOP), Room 1224 SA - 1, Washington, DC 20523, 202 663-1340

RIN: 0412-AA04

2679. DONATION OF AGRICULTURAL COMMODITIES/PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Legal Deadline: None.

Abstract: This regulation sets forth provisions of the Agency for International Development (A.I.D.), acting as an Agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving,

administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, Pub. L. 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024

Next Action Undetermined

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412-AA05

2680. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None.

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food For Peace, Bureau For Food For Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412-AA06

[FR Doc. 87-21546 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XVIII

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Room 1010, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Mr. Nicholas Chiarkas, General Counsel, 202/245-1591 (voice or TDD).

Thomas E. Harvey,

Chairperson, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB) — Proposed Rule Stage

2681. MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Significance: Agency Priority

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Legal Deadline: None.

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until sufficient research information and/or field experience is obtained. At present the ATBCB is reviewing comments on the proposed rule to add provisions for leased facilities. In a separate notice of proposed rulemaking, the Board will propose the incorporation of certain technical specifications (including detectible warnings and signage) of the Uniform Federal Accessibility Standards and American National Standards Institute A117.1 (1986) standard into the ATBCB Minimum Guidelines and Requirements for Accessible Design.

Timetable:

ANSI/UFAS Technical Specifications
NPRM 09/16/87 (52 FR 34955)
NPRM Comment Period End 11/16/87

Leased Facilities
NPRM 02/11/87 (52 FR 4352)
NPRM Public Comment Period End 03/13/87
Final Action 01/00/88

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Government Levels Affected: Federal

Agency Contact: Mark W. Smith, General Attorney, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA00

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB) — Final Rule Stage

2682. COMPLIANCE WITH STANDARDS FOR ACCESS TO AND USE OF BUILDINGS BY HANDICAPPED PERSONS

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1150

Legal Deadline: None.

Abstract: The current regulation sets forth procedures to ensure compliance with standards issued under the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 et seq. The Board has published an interim rule revising this regulation to provide a 180-day period for informally resolving complaints in place of the previous 90-day period. This interim rule is expected to be published as a final rule. Other procedures to streamline the process may be considered in proposed rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule with Request for Comment	05/22/86	51 FR 18788
Interim Final Rule Comment Period End	07/21/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Nicholas Chiarkas, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA03

2683. ● INFORMATION AVAILABILITY: PROCEDURES (36 CFR, PART 1120)

Legal Authority: 5 USC 552

CFR Citation: 36 CFR 1120, (Revision)

Legal Deadline: Statutory, April 25, 1987.

Abstract: This interim final rule amends the ATBCB's regulations to establish a schedule and system for collecting fees to recover certain direct costs associated with responding to Freedom of Information Act (FOIA)

ATBCB **Final Rule Stage**

requests as required by the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Mark W. Smith, General Attorney, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Mailstop 2101, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA04

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Completed Actions

2684. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1154

Legal Deadline: None.

Abstract: This final regulation sets forth procedures and policies to assure nondiscrimination on the basis of handicap in programs and activities conducted by the Board. It is patterned on the prototype regulation prepared by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9686
Final Action	05/15/87	52 FR 16374

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Mr. Nicholas Chiarkas, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA02

[FR Doc. 87-21245 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XIX

Commission on Civil Rights

Semiannual Regulatory Agenda

COMMISSION ON CIVIL RIGHTS (CCR)

COMMISSION ON CIVIL RIGHTS

45 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: Commission on Civil Rights.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the U.S. Commission on Civil Rights will have under development during the 12-month period from October 1, 1987 through September 30, 1988. The purpose for publishing this agenda is to give notice of any regulatory activity by the Commission in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: William H. Gillers, Solicitor, U.S. Commission on Civil Rights, Room 606, Washington, DC 20425, (202) 376-8514.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by the Commission are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. The Commission has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; nor will the regulations have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required.

William H. Gillers,

Solicitor.

COMMISSION ON CIVIL RIGHTS (CCR) — Proposed Rule Stage

2685. ● IMPLEMENTATION OF FREEDOM OF INFORMATION REFORM ACT

Significance: Agency Priority

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552

CFR Citation: 45 CFR 704.1, (Revision)

Legal Deadline: Statutory, April 25, 1987.

Abstract: The regulation implements the 1986 statutory amendments to the Freedom of Information Act (FOIA) (5 USC 552). The revised provisions modify the terms of exemption 7 and also establish new procedures regarding the charging and waiving of fees pursuant to a FOIA request.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: No

Agency Contact: Willian H. Gillers, Solicitor, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 606, Washington, DC 20425, 202 376-8514

RIN: 3035-AA00

2686. ● IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504-HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 707

Legal Deadline: None.

Abstract: The proposed regulation provides for the implementation of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: No

Agency Contact: William J. Howard, General Counsel, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 600, Washington, DC 20425, 202 376-8351

RIN: 3035-AA01

[FR Doc. 87-21271 Filed 10-23-87; 8:45am]

BILLING CODE 6335-01-T

federal register

Monday
October 26, 1987

Part XX

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-3263-2]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA revises the Regulatory Agenda semiannually and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: For specific information on any item in the agenda, please contact the person listed with each entry.

If you want to be on the mailing list for future agendas, please call or write to Bridgette Dent, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-5475.

If you have any suggestions for improving this publication, or need general information about the agenda, please call or write to Angela Tyler, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-7205.

FOR FURTHER INFORMATION CONTACT: Angela Tyler, (202) 382-7205.

SUPPLEMENTARY INFORMATION:

Statutes Covered in the Agenda

The statutory areas covered in the agenda are:

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Toxic Substances Control Act (TSCA)
Asbestos Hazard Emergency Response Act (AHERA)
Clean Water Act (CWA)
Marine, Protection, Research, and Sanctuaries Act (MPRSA)
Atomic Energy Act (AEA)
Safe Drinking Water Act (SDWA)
Resource Conservation and Recovery Act (RCRA)
Hazardous and Solid Waste Amendments (HSWA)
Clean Air Act (CAA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Superfund Amendments and Reauthorization Act (SARA)
General -- Other Acts (including grant and procurement regulations and regulations that cut across several program areas)

Organization of the Agenda

The agenda is organized by statute, in the order of the statutes listed above. In a few cases, the agenda combines regulations with differing statutory authorities that have closely-related subject matter. For example, the Asbestos-in-Schools Inspection, Abatement, and Disposal regulation is written under AHERA, but appears with regulations under TSCA.

Within each statutory listing, the regulations are ordered numerically, by section number of the authorizing legislation. For example, all RCRA regulations under section 3001 appear before those under section 3006.

Within each statutory area the entries are further divided into four categories: (1) Prerule Stage; (2) Proposed Rule Stage; (3) Final Rule Stage; and (4) Completed Actions (regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these sections is presented below.

Appendix A includes a list of abbreviations of terms used in this document.

I. Prerulemakings

Prerulemaking actions include activities intended to determine whether or how to initiate rulemaking. These activities include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking; significant studies or analyses of the possible need for regulatory action; requests for public comment on the need for regulatory action; or important pre-regulatory policy proposals.

This section also includes existing EPA regulations that are now under review. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, these reviews will appear in the completed section of the agenda. If EPA decides to revise or rescind the regulation, the action will appear in the proposed rule section of the next agenda, which will state the timetable for completing the revision or rescission.

For each regulation under review, the agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which may be different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 is intended to establish annually the Administration's Regulatory Program. It defines priority activities that Federal Departments and Agencies will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 establishes the general policy that Federal Departments and Agencies should review their regulations to ensure that the costs of the regulations are justified by the benefits of the regulation.

The Regulatory Flexibility Act requires that Federal Departments and Agencies review existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA invites public comment on the need to revise the list of regulations EPA is reviewing under the Regulatory Flexibility Act.

Reviews under the RFA are identified by a "Yes" in the "small entity" category. When the Agency completes reviews of regulations with a significant impact on small entities, the agenda entry includes an abstract that announces the Agency's decision of whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 16, 1981 plan (46 FR 36930) for reviewing regulations under the Act.

The Paperwork Reduction Act requires Federal Departments and Agencies to review its information collection activities to assure that they

need and will use the information and manage it efficiently. They must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at EPA or at some other Federal agency. In addition, the Act requires agencies to review the cost of collecting the information, so that it will be held to a minimum for both the respondent and the agencies.

II. Proposed and Final Rules

EPA generally lists regulations in the agenda once they are within a year of scheduled publication as a notice of proposed rulemaking (NPRM) or final action. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Proposed and final rules appear as: (a) Actions that will create new CFR parts, subparts, or subsections; or (b) actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the agenda for the first time are marked with bullets (●).

This section includes all "significant" EPA regulations. Some are priority regulations under development that are subject to Executive Order 12498; or the Agency has designated for priority development or revision.

However, the listings exclude: (a) Specialized categories of actions (such as EPA approvals of State plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each proposed and final regulation, the agenda includes:

- Title
- Priority classification (if applicable)
- Legal authority
- CFR reference
- Legal deadline
- Short abstract
- Analysis section (if the Agency is preparing a Regulatory Impact Analysis and/or a Regulatory Flexibility Analysis)
- Timetable of existing and scheduled actions
- Reference to small entity impacts
- Agency contact, and
- Additional information section

The additional information section includes the FTS phone number for the Agency contact. It also includes the Start Action Request number, which is assigned to the regulation for internal tracking purposes.

III. Completed Actions

These are actions that appeared in the last agenda, which EPA is deleting because they are completed or are no longer under consideration. Information on these regulations and reviews of regulations is less detailed than for those that are still under consideration. Generally, entries include: (1) An explanation of why the Agency is deleting the regulation from the agenda, and (2) the publication date and **Federal Register** citation.

John M. Campbell,

Acting Assistant Administrator for Policy, Planning, and Evaluation.

Appendix A--(Abbreviations)

ANPRM - Advance Notice of Proposed Rulemaking
BAT - Best Available Technology
BCT - Best Conventional Technology
BOD - Biochemical Oxygen Demand
BPT - Best Practicable Technology
CA - Cooperative Agreements
CAG - Carcinogenic Assessment Group
CBOD - Carbonaceous Biochemical Oxygen Demand
CEQ - Council on Environmental Quality
CFR - Code of Federal Regulations
DOE - Department of Energy
EAF - Electric Arc Furnaces
FR - Federal Register
FTS - Federal Telecommunications System
HDE - Heavy-Duty Engine
HDT - Heavy-Duty Truck
HDV - Heavy-Duty Vehicle
ICS - Intermittent Control System
LDT - Light-Duty Truck
LDV - Light-Duty Vehicle
MCL - Maximum Contaminant Level
NEPA - National Environmental Policy Act
NESHAPS - National Emission Standards for Hazardous Air Pollutants
NPDES - National Pollutant Discharge Elimination System
NPRM - Notice of Proposed Rulemaking
NRDC - Natural Resources Defense Council
NSO - Nonferrous Smelter Orders
NSPS - New Source Performance Standards
OAQPS - Office of Air Quality Planning and Standards
OPP - Office of Pesticide Programs
OPTS - Office of Pesticides and Toxic Substances
OSHA - Occupational Safety and Health Administration
PCB - Polychlorinated Biphenyl
POTW - Publicly Owned Treatment Work
PSD - Prevention of Significant Deterioration
PSES - Pretreatment Standards for Existing Sources
PSNS - Pretreatment Standards for New Sources
RFA - Regulatory Flexibility Act
RIA - Regulatory Impact Analysis
RIN - Regulation Identifier Number
RMCL - Recommended Maximum Contaminant Level
SAR - Start Action Request
SIC - Standard Industrial Code
SSC - State Superfund Contracts
TSS - Total Suspended Solids
UIC - Underground Injection Control
USC - United States Code
VOC - Volatile Organic Chemical

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2687	SAR No. 2406. Pesticide Applicator Certification Fees for EPA Administered Programs	2070-AB76

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2688	Registration Data Requirements for Pesticide Product Performance and Companion Pesticide Assessment Guidelines	2070-AB82
2689	SAR No. 2444. Procedures for Amending and Repealing Tolerances or Exemptions from Tolerances Under Section 408 and 409 of FFDCA	2070-AB78
2690	SAR No. 2317. Restricted Use Classification for Certain Active Ingredients Used in Termiticides	2070-AB53
2691	SAR No. 2351. Restricted Use Classification for Groundwater Contaminating Pesticides	2070-AB60
2692	SAR No. 1703. FIFRA Good Laboratory Practice Standards (Revision)	2070-AB68
2693	SAR No. 2337. Sale of Restricted Use Pesticides to Noncertified Persons	2070-AB48
2694	SAR No. 2446. Regulations on Certification of Pesticide Applicators (Revision)	2070-AB75
2695	SAR No. 2445. Experimental Use Permits (Revision)	2070-AB77
2696	SAR No. 1640. Worker Protection Standards for Agricultural Pesticides (Revision)	2070-AA49

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2697	SAR No. 1964. Comprehensive Revision of Pesticide Registration and Classification Procedures (Revision)	2070-AA56
2698	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
2699	SAR No. 2338. Reporting Requirements for Risk/Benefits Information	2070-AB50
2700	SAR No. 1747. Registration of Pesticide Producing Establishments (Revision)	2070-AA04
2701	SAR No. 2314. Pesticide Advertising	2070-AB47
2702	SAR No. 2013. User Charges for Pesticide Registrations	2070-AB52

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2703	SAR No. 2351. Restricted Use Rule for Groundwater Contaminating Pesticides	2070-AB69
2704	SAR No. 2006. Guidelines on Disposal and Storage of Pesticides (Revision)	2070-AA61
2705	SAR No. 2352. Generic Listing of Pesticides as Acute Hazardous Wastes	2070-AB70

Toxic Substances Control Act (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2706	PCB Notification and Manifesting Rule	2070-AB83

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2707	Restrictions on Disposal of Drained Electrical Equipment	2070-AB80
2708	SAR No. 1137. Decisions on Test Rules	2070-AB07
2709	SAR No. 1886. TSCA Good Laboratory Practice Standards (Revision)	2070-AB65
2710	SARA Section 110 Chemicals Generic Test Rule	2070-AB84
2711	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
2712	SAR No. 2246. Chemical Specific Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
2713	SAR No. 2247. Generic Significant New Use Rule for Acrylate Compounds	2070-AB56
2714	Rulemaking Concerning Certain Microbial Products ("Biotechnology")	2070-AB61

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Toxic Substances Control Act (TSCA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2715	SAR No. 2149. Nitrosamines in Metalworking Fluids	2070-AB09
2716	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
2717	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
2718	SAR No. 2284. Regulatory Investigation of Chlorinated Solvents	2070-AB41
2719	SAR No. 2297. PCB Spill Cleanup Recordkeeping Rule	2070-AB45
2720	Procedures for Termination of Polychlorinated Biphenyl Disposal Approvals	2070-AB81

Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2721	SAR No. 2404. SARA Section 313 Toxic Chemical Release Reporting Rule	2070-AB71
2722	SAR No. 2245. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
2723	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
2724	SAR No. 2250. General Regulations on Significant New Use Rules (SNURs) (Revision)	2070-AB26
2725	SAR No. 2375. Procedural Rule for Expedited New Chemical Follow-up	2070-AB67
2726	SAR No. 2244. Polychlorinated Biphenyls (PCBs): Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Exclusions and Use Authorizations (Revision)	2070-AB25
2727	SAR No. 2296. Action Concerning Commercial and Industrial Use of Asbestos	2070-AB29
2728	SAR No. 2408. Asbestos-in-Schools Inspection and Abatement Rule	2070-AB44
2729	PCBs in Electrical Transformers (Revision)	2070-AB74
2730	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rules	2070-AB08
2731	SAR No. 1139a. Section 8(d) Health and Safety Data Reporting Rules	2070-AB11
2732	SAR No. 2129. TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AB13
2733	SAR No. 2324. User Fees for Processing PMNs	2070-AB54
2734	Recodification of TSCA CFR Section 721	2070-AB85

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2735	SAR No. 2253. Dioxins/Furans: Testing Rule and Requirements for Data Submission	2070-AB21
2736	Rulemaking Concerning Certain Microbial Products ("Biotechnology")	2070-AB66

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2737	SAR No. 1962. Secondary Treatment/Percent Removal Requirements for Combined Sewer Systems	2040-AB13
2738	SAR No. 2163. State Sludge Program Regulations	2040-AA73
2739	Water Quality Standards-Revision	2040-AB34
2740	SAR No. 1649. Effluent Guidelines for Offshore Oil and Gas Extraction Industry (Revision)	2040-AA12
2741	SAR No. 1910. Effluent Guidelines for Adhesives and Sealants	2040-AA30
2742	Effluent Guidelines for Nonferrous Metals Manufacturing (Phase II) (Revisions)	2040-AB31
2743	Effluent Guidelines for Pesticides Chemicals	2040-AB32
2744	SAR No. 2395. Definition of "Waters of the United States"	2040-AB01
2745	Water Quality Standards--Revision for Indian Tribes	2040-AB36
2746	NPDES Regulatory Revisions	2040-AB38
2747	Revisions to regulations for modification of secondary treatment requirements for municipal discharge into marine waters	2040-AB29
2748	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
2749	SAR No. 2304. Future Effluent Guidelines -- Standards Initiatives	2040-AA90

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Clean Water Act (CWA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2750	NPDES Permit Application Form 2C, Standard Form A, and Short Form A Revision	2040-AB39
2751	SAR No. 2162. Sewage Sludge Use and Disposal Regulations	2040-AA74
2752	SAR No. 2189. Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78
2753	SAR No. 2342. General Pretreatment Regulations - Modifications to Address Recommendations of the Domestic Sewage Study	2040-AA99

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2754	SAR No. 2300. Guidelines for Classifying Ground Water under the EPA Ground Water Protection Strategy	2040-AA85
2755	Water Quality Planning and Management Grants for Indian Tribes	2040-AB35
2756	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
2757	Comprehensive Construction Grant Revision	2040-AB25
2758	SAR No. 1415. Effluent Guidelines for Organic Chemicals and Plastics and Synthetic Fibers	2040-AA05
2759	SAR No. 1427. Effluent Guidelines for Pharmaceuticals	2040-AA13
2760	SAR No. 1425. Effluent Guidelines for Gum and Wood (Revision)	2040-AA17
2761	SAR No. 1969. Effluent Guidelines for Pulp, Paper, and Paperboard (PCB's) (Revision)	2040-AA63
2762	SAR No. 1413. Effluent Guidelines for Ore Mining and Dressing (Placer Mining)	2040-AA65
2763	SAR No. 1409. Effluent Guidelines for Leather Tanning (Revision)	2040-AA91
2764	SAR No. 1410. Effluent Guidelines for Nonferrous Metals: (Phase I) (Revision)	2040-AA96
2765	Effluent Guidelines for Nonferrous Metals Forming (Revision)	2040-AB30
2766	Effluent Guidelines for Aluminum Forming (Revision)	2040-AB33
2767	SAR No. 1866. General Pretreatment Regulations: Removal Credits (Revision)	2040-AB02
2768	SAR No. 1579. Discharge of Oil (Revision)	2040-AA48
2769	SAR No. 1451. Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402	2050-AC33
2770	SAR No. 2212. General Pretreatment Regulations: Response to PIRT (Revision)	2040-AA81
2771	SAR No. 1973. Section 404 State Program Regulations (Revision)	2030-AA00
2772	SAR No. 2140. Ocean Incineration Regulation (Revision)	2040-AA72
2773	Ocean Incineration Site Evaluation, Solicitation, and Designation	2040-AB28

Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2774	SAR No. 1420. Effluent Guidelines for Rubber Processing (Revision)	2040-AA42
2775	SAR No. 2213. Effluent Guidelines for Plastics Molding and Forming (Phthalates)	2040-AA77
2776	SAR No. 1433. Effluent Guidelines for Copper Forming (Revision)	2040-AA93
2777	SAR No. 1900. General Pretreatment Regulations: Definitions for Passthrough and Interference (Revision)	2040-AA46
2778	SAR No. 2420. Water Quality Planning and Management Standards (Revision)	2040-AB19
2779	SAR No. 2301. Incineration-at-Sea Site Designations (North Atlantic and Pacific)	2040-AA88
2780	SAR No. 2321. Implementation of RCRA Corrective Action for POTWs	2040-AB00

Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2781	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
2782	SAR No. 2073. Residual Radioactivity	2060-AB31
2783	Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	2060-AC30

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Atomic Energy Act (AEA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2784	SAR No. 1166. Ground Water Protection Standards for Inactive Uranium Tailing Sites	2060-AC03

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2785	SAR No. 1162. Transuranium Elements	2060-AA01
2786	SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2787	SAR No. 2440. Indian Rule for the Wellhead Protection Program and Sole Source Aquifer Demonstration Program	2040-AB18
2788	SAR No. 2254. Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Amendments To Technical Requirements for Class I Hazardous Waste Injection Wells	2040-AB03
2789	Revision to Public Water System Supervision (PWSS) State Primacy Requirements	2040-AB26
2790	Amendments to Underground Injection Control Program	2040-AB27
2791	SAR No. 1755. National Primary Drinking Water Regulations: Synthetic Organic Chemicals and Inorganic Chemicals, Monitoring for Unregulated Contaminants	2040-AA55
2792	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94
2793	SAR No. 2340. National Primary Drinking Water Regulations: Disinfection, Disinfectants and Disinfection By-Products (Revision)	2040-AA97
2794	SAR No. 2396. National Primary Drinking Water Regulations: Inorganic and Organic Compounds	2040-AB11
2795	SAR No. 2376. Criteria for Filtration of Surface Water and Primary Drinking Water Regulations for Microbiological Contaminants	2040-AB24
2796	SAR No. 2381/(PWSS) SAR No. 1972/(UIC) Public Water Supply Supervision Program and Underground Injection Control Program: Administrative Enforcement Implementation Procedures	2040-AB07
2797	SAR No. 2378. Public Water System Supervision Program: Ban on Lead in Plumbing	2040-AB05

Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2798	SAR No. 2377. National Primary Drinking Water Regulation: Contaminants in Drinking Water that May Require Regulation	2040-AB12
2799	SAR No. 1756. Public Water Supply Supervision Program: General Public Notification Requirements and New Lead Public Notice	2040-AB08
2800	SAR No. 2131. Underground Injection Control Program: Indian Lands	2040-AA76
2801	SAR No. 2383. Indian Primacy Regulation	2040-AB04

Safe Drinking Water Act (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2802	SAR No. 1567. National Primary Drinking Water Regulations: Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water	2040-AA53
2803	SAR No. 2376. National Primary Drinking Water Regulations: Microbials and Filtration of Surface Drinking Water Supplies	2040-AB10

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Safe Drinking Water Act (SDWA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2804	SAR No. 1972. Underground Injection Control Program: Administrative Enforcement Implementation Procedures	2040-AB06

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2805	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2806	SAR No. 2449. Determination on Wastes from the Exploration, Development on Production of Crude Oil, Natural Gas, and Geothermal Energy	2050-AC08
2807	SAR No. 2434. Management of Waste Oil as Hazardous Waste	2050-AC17
2808	SAR No. 2465. Underground Storage Tanks Containing Hazardous Substances- Financial Responsibility Requirements	2050-AC15

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2809	SAR No. 2332. Mandatory Inspections of Hazardous Waste Management Facilities	2050-AB59
2810	SAR No. 2224. Solid Waste Disposal Facility Criteria	2050-AB21
2811	SAR No. 2507 Test Methods for Evaluating Solid Waste Manual SW846 - Incorporation by Reference and Mandatory Good Laboratory Practices	2050-AC32
2812	SAR No. 2068. Sampling and Analysis Methods for Waste Testing	2050-AA82
2813	SAR No. 2482 Concentration-Based Relisting of Wastes from Chlorinated Aliphatics and 2,4-D Pesticide Industries	2050-AC30
2814	SAR No. 2483 Concentration-Based Relisting of Wastes from Explosives, Inorganic Chemicals, and Iron and Steel Industries	2050-AC31
2815	SAR No. 2277. Groundwater Monitoring at Hazardous Waste Facilities	2050-AB20
2816	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB67
2817	SAR No. 2487 (previously listed as SAR No. 2393) Receipt of Non-hazardous Waste at Hazardous Waste Management Facilities	2050-AB71
2818	SAR No. 2390. Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities	2050-AB80
2819	SAR No. 2453. Metals Emissions and Products of Incomplete Combustion (PICs) Emission Controls for Hazardous Waste Incinerators	2050-AB90
2820	SAR No. 2461. Land Disposal Restrictions for Soil and Debris Containing Hazardous Wastes	2050-AC03
2821	SAR No. 2439. Permitting Experimental Facilities Conducting Hazardous Waste Research	2050-AC04
2822	SAR No. 2452. Land Disposal Restrictions for First Third of Scheduled Wastes	2050-AC13
2823	SAR No. 1805. Permit Modifications for Hazardous Waste Management Facilities	2050-AC22
2824	SAR No. 2503 Corrective Action for Releases to Groundwater from Regulated Hazardous Waste Units	2050-AC28
2825	SAR No. 2435. List (Phase 2) of Hazardous Constituents for Groundwater Monitoring	2050-AC05
2826	SAR No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs	2050-AB01
2827	SAR No. 2389. Mining Waste Management Under RCRA Subtitle D	2050-AB77
2828	SAR No. 2257. Guidelines for Content in Re-refined oil Procured by the Federal Government	2050-AB53
2829	SAR No. 2433. Minimum Recovered Materials Content in Paper and Paper Products Procured by the Federal Government	2050-AC18

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Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2830	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AB12
2831	Identification and Listing of Hazardous Wastes	2050-AB46
2832	SAR No. 2391. Landfill, Surface Impoundment, and Waste Pile Closures for Hazardous Waste Management Facilities	2050-AB81
2833	SAR No. 2398 Changes to Interim Status and Permitted Facilities for Hazardous Waste Management; Procedures for Post-Closure Permitting	2050-AC29
2834	SAR No. 2062. Identification of Hazardous Wastes by Toxicity Characteristic and Listing of Additional Organic Toxicants	2050-AA78
2835	SAR No. 1817. Hazardous Waste Miscellaneous Units	2050-AA23
2836	SAR No. 2078. Burning of Hazardous Waste in Boilers and Industrial Furnaces	2050-AA72
2837	SAR No. 2080. Liners and Leak Detection for Hazardous Waste Land Disposal Units	2050-AA76
2838	SAR No. 2273. Liability Requirements for Hazardous Waste Facilities - Corporate Guarantee	2050-AB47
2839	SAR No. 2187. Codification Rule for the 1984 RCRA Amendments	2050-AB58
2840	SAR No. 2388. Double Liner and Leachate Collection Systems for Hazardous Waste Land Disposal Units	2050-AB76
2841	SAR No. 2436. Statistical Methods for Evaluating Groundwater Monitoring Data from Hazardous Waste Facilities	2050-AB92
2842	SAR No. 2460. Liability Requirements for Hazardous Waste Facilities - Other Instruments	2050-AC19
2843	SAR No. 2397. Permitting Mobile Hazardous Waste Treatment Units and Delisting Hazardous Wastes	2050-AC20
2844	SAR No. 2011. Guideline for Recovered Materials Content in Paper Products Procured by the Federal Government	2050-AA68
2845	SAR No. 2202, 2221, and 2256. Underground Storage Tanks - Technical Requirements	2050-AB19
2846	SAR No. 2234. Underground Storage Tanks - State Program Approval	2050-AB31
2847	SAR No. 2255. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements	2050-AB89

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2848	SAR No. 2211. Restriction of Underground Injection of Certain Hazardous Wastes	2050-AB34
2849	SAR No. 2367. Corrective Action for Hazardous Releases at Federal Facilities	2050-AB63
2850	SAR No. 2364. Variances for Hazardous Waste Management of Radioactive Mixed Wastes	2050-AB75
2851	SAR No. 1957. Small Quantity Generator Accumulation Tanks for Hazardous Waste	2050-AB72
2852	SAR No. 1844. Class Permits for Storing Hazardous Wastes	2050-AA36
2853	SAR No. 2225. Financial Responsibility for Corrective Action for Continuing Releases at Hazardous Waste Management Facilities	2050-AB22
2854	SAR No. 2229 and 2273. List (Phase 1) of Hazardous Constituents for Groundwater Monitoring	2050-AB27
2855	SAR No. 2254. Land Disposal Restrictions for Certain Hazardous Wastes - California List	2050-AB65
2856	SAR No. 2374. Development of Corrective Action Programs After Permitting Hazardous Waste Land Disposal Facilities	2050-AB74

Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2857	SAR No. 1004. Review of NAAQS for Nitrogen Dioxide	2060-AC06
2858	SAR No. 1001. Review of NAAQS for Carbon Monoxide	2060-AC07
2859	Secondary NAAQS for Particulate Matter (Fine Particles)	2060-AC32
2860	SAR No. 2387. NSPS: Coal Preparation Plants	2060-AB84
2861	SAR No. 2430. NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants(Review)	2060-AC21
2862	NSPS: Municipal Waste Combustors	2060-AC26
2863	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
2864	SAR No. 1869. NESHAPS: Cadmium	2060-AB92
2865	SAR No. 2365. Fuel and Fuel Additive Health Emissions Effects Testing	2060-AC10
2866	SAR No. 2366. Diesel Fuel Modification	2060-AC11

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Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2867	SAR No. 1002. NAAQS for Sulfur Oxides (Revision)	2060-AA61
2868	SAR No. 1919. NAAQS: Lead	2060-AA95
2869	SAR No. 1920. NAAQS: Ozone	2060-AA96
2870	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
2871	SAR No. 1695. NSPS: Solvent Degreasing (111d)	2060-AA33
2872	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
2873	SAR No. 2164. NSPS: SOCMI Reactor Processes	2060-AB55
2874	SAR No. 2239. NSPS: Small Boilers	2060-AB95
2875	SAR No. 1714. NESHAP: Asbestos (Revision)	2060-AB51
2876	SAR No. 2181. NESHAPS: Chromium	2060-AB83
2877	SAR No. 2386. NESHAP: Chromium--Industrial Cooling Towers	2060-AC12
2878	SAR No. 2386. NESHAP: Chromium--Comfort Cooling Towers	2060-AC13
2879	SAR No. 2386. NESHAP: Chromium--Electroplating	2060-AC14
2880	SAR No. 2363. Hazardous Organic NESHAP	2060-AC19
2881	NESHAP: Perchloroethylene Dry Cleaning	2060-AC27
2882	NESHAP: Ethylene Oxide from Commercial Sterilization	2060-AC28
2883	NESHAP: Organic Solvent Cleaning	2060-AC31
2884	SAR No. 2372. Stratospheric Ozone Protection Strategy	2060-AC09
2885	PSD Set II for PM10	2060-AC33
2886	SAR No. 2287. Hydrocarbon Standards for Light-Duty Trucks (Revision)	2060-AB85
2887	SAR No. 2384. Decision on Air Pollution Regulatory Strategies for the Gasoline Marketing Industry	2060-AC04
2888	SAR No. 1315. Trading and Banking of Heavy-duty Engine NOx and PM Emission Credits	2060-AC05
2889	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54
2890	SAR No. 2373. Test Procedures for Trap-Equipped Diesel Vehicles and Engines	2060-AC08
2891	Amendments to Selective Enforcement Auditing Regulations	2060-AC34
2892	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AB53
2893	SAR No. 2215. Fuel and Fuel Additives: Preventative Action Program to Prevent Self-Serve Fuel Switching	2060-AB59
2894	PSD Regulations for NOx	2060-AC29
2895	Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans; Surface Coal Mines	2060-AC40
2896	Nonconformance Penalties for 1991 through 1994 Model Year Emission Standards for Heavy-Duty Vehicles and Engines	2060-AC39
2897	Selective Enforcement Auditing Regulations (Revision)	2060-AC36
2898	SAR No. 2289. Fuel Economy Test Procedures; Adjustment to Test Results to Account for Test Procedure Changes (light-duty trucks)	2060-AB86
2899	SAR No. 2240. Treatment, Storage, and Disposal Facility Area Source Air Emissions - RCRA Standards	2060-AB94

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2900	SAR No. 1845. New Source Review (Revision)	2060-AA68
2901	SAR No. 2428. Federal Promulgation of State Implementation Plans to Protect Visibility	2060-AC20
2902	SAR No. 1010. NSPS: Solvent Degreasing	2060-AA12
2903	SAR No. 1615. NSPS: Rubber Products Industry-Tire Manufacturing	2060-AA24
2904	SAR No. 1618. NSPS: Synthetic Organic Chemical Industry: Air Oxidation Process	2060-AA30
2905	SAR No. 1733. NSPS: Distillation Operations	2060-AA35
2906	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
2907	SAR No. 2028. NSPS: Sewage Treatment Plants (Revision)	2060-AB05
2908	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
2909	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
2910	SAR No. 2075. NSPS: Industrial Boilers, S02	2060-AB33
2911	SAR No. 2186. NSPS: Cement Plants (Revision)	2060-AB38
2912	SAR No. 2236. NSPS: Surface Coating of Plastic Parts for Business Machines	2060-AB66
2913	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
2914	SAR No. 2238. NSPS: Residential Wood Combustion	2060-AB68
2915	SAR No. 1696. NSPS: VOC Emissions from Petroleum Refinery Wastewater Systems	2060-AB81
2916	SAR No. 1928. NSPS: Magnetic Tape Manufacturing	2060-AB88
2917	NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants	2060-AC23
2918	SAR No. 1685. NESHAPS: Benzene in Coke Oven By-Product Plants	2060-AA42

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Clean Air Act (CAA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2919	SAR No. 1686. NESHAPS: Coke Oven Emissions from Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal-Charged Batteries	2060-AA48
2920	SAR No. 1941. "Guideline on Air Quality Models" (Revision)	2060-AB13
2921	SAR No. 2112. Emission Standards and Test Procedures for Methanol-Fueled New Motor Vehicles	2060-AB28
2922	SAR No. 2318. Control of Excess Evaporative Emissions/Fuel Volatility	2060-AB89
2923	SAR No. 2416. Particulate Emission Standards for Certain 1987 and Later Model Year Light-Duty Diesel Trucks (Revision)	2060-AC18
2924	SAR No. 1317. Importation of Motor Vehicles and Motor Vehicle Engines (Revision)	2060-AA54
2925	SAR No. 2290. Removal of Lead from EPA Certification and Test Fuels (Revision)	2060-AB87
2926	SAR No. 2145. Voluntary Aftermarket Parts Certification Regulations (Revision)	2060-AB58
2927	SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content (Revision)	2060-AB60

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2928	SAR No. 1003. NAAQS for Particulate Matter (Revision)	2060-AA62
2929	SAR No. 1741. Quality Assurance Procedures, Appendix F, Procedure 1	2060-AA09
2930	SAR No. 1612. NSPS: Volatile Organic Liquids Storage	2060-AA23
2931	SAR No. 2137. NESHAPS: Mercury (Revision)	2060-AB44

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2932	SAR No. 2336. Designation and Reportable Quantities for Releases of Non-carcinogens and Non-chronic Toxicants on the Extremely Hazardous Substances List	2050-AB62
2933	SAR No. 2394. Reporting Exemption for Federally Permitted Releases of Hazardous Substances	2050-AB82
2934	SAR No. 2429. Reportable Quantities (RQ) for Releases of Potential Carcinogens and Chronic Toxicants on the Extremely Hazardous Substances List	2050-AC14
2935	SAR No. 2411 (previously listed as SAR 1642C). Reporting Continuous Releases of Hazardous Substances	2050-AA46
2936	SAR No. 2459. Reportable Quantities (RQs) for Releases of Methyl Isocyanate (MIC) and Lead; Delisting of Ammonium Thiosulfate	2050-AC21
2937	SAR No. 2437. Accidental Release Information Program (ARIP) for Hazardous Substance Releases	2050-AC02
2938	SAR No. 2400. National Oil and Hazardous Substances Pollution Contingency Plan (NCP)	2050-AA75
2939	SAR No. 2065. Hazard Ranking System for Uncontrolled Hazardous Substance Releases	2050-AB73
2940	SAR No. 2463, SAR No. 2513, SAR No. 2514. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 7, RCRA Sites, and Federal Facilities Sites	2050-AC16
2941	SAR No. 2160. Response Claims Procedures for the Hazardous Substances Superfund	2050-AA90
2942	Administrative Hearing Procedure for Superfund Claims	2050-AC26
2943	SAR No. 2464. Reporting Hazardous Substances Activity When Transferring Federal Real Property	2050-AC00
2944	SAR No. 2427. Worker Protection Standards for Hazardous Waste Operations and Emergency Response	2050-AC12
2945	Trade Secret Claims for Emergency Planning and Community Right-to-Know Information; Tradesecret Disclosures to Health Professionals	2050-AC27

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2946	SAR No. 2104. Reportable Quantities (RQs) for Releases of Potential Carcinogens and Other Hazardous Substances	2050-AA80
2947	SAR No. 2335. Reportable Quantities (RQs) for Releases of Radionuclides	2050-AB60

EPA

Superfund (CERCLA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2948	SAR No. 2457. Withdrawal of Arbitration Procedures and Natural Resource Claims Procedures for the Hazardous Substance Superfund	2050-AC06
2949	SAR Nos. 2077, 2516, 2517. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Updates 3,4,5 and 6	2050-AA79
2950	SAR No. 2401. Technical Assistance Grants to Groups at National Priority List (NPL) Sites	2050-AC10
2951	SAR No. 2409. Reimbursement of Local Governments for Emergency Response to Hazardous Substance Releases	2050-AC11
2952	SAR No. 2412. Emergency and Hazardous Chemical Inventory Forms and Community Right to Know Reporting Requirements	2050-AB88

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2953	SAR No. 2407. Extremely Hazardous Substances List and Threshold Planning Quantities; Emergency Planning and Release Notification Requirements	2050-AB86

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2954	SAR No. 2410 Program Fraud Civil Remedies	2020-AA11
2955	SAR No. 2196. Denial or Restriction of Disposal Sites (Revision)	2040-AB20
2956	SAR No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
2957	SAR No. 2415 Amending regulations implementing the Freedom of Information Reform Act of 1986	2020-AA12
2958	Amending regulations implementing the Freedom of Information Reform Act of 1986	2040-AB37

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2959	SAR No. 1825. Regulations for the Federal Claims Collection Act	2020-AA01
2960	SAR No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistant from the EPA(Revision)	2020-AA07
2961	SAR No. 2307. Notice Requirements for Citizen Suits under the SDWA	2020-AA10

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2962	SAR No. 2049. Nondiscrimination on the Basis of Handicap for Programs Conducted by EPA	2020-AA05

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Prerule Stage

2687. PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701/FIFRA 4

CFR Citation: 40 CFR 171.12

Legal Deadline: None.

Abstract: This rule is intended to implement a program for assessing fees for certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with Federally-administered pesticide certification and training programs, and will cover the costs of administering such programs.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2406.

FTS:8-475-9580

Agency Contact: John MacDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 202 475-9580

RIN: 2070-AB76

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

2688. ● REGISTRATION DATA REQUIREMENTS FOR PESTICIDE PRODUCT PERFORMANCE AND COMPANION PESTICIDE ASSESSMENT GUIDELINES

Legal Authority: 7 USC 136 /FIFRA 3

CFR Citation: 40 CFR 158.160

Legal Deadline: None.

Abstract: The objective in revising the regulations is to make explicit the Agency's requirement of pesticide producers to submit quantitative data on the yield/quality enhancing performance of their pesticides as compared to alternative pesticides. These data will improve the quality and timeliness of benefit analyses the Agency uses in making risk/benefit decisions to regulate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The companion revised guidelines regarding how to conduct studies will produce the acceptable comparative performance data. Registrants might experience very minor cost increases to register pesticide products. The benefit would be substantial in the form of better and more uniform data on pesticide product performance, for use by Agency analysts and others.

Timetable:

Chemigation Guidelines, Part 158 Rule Revision
Herbicide, Nematicide and 11/00/87

Defoliant Guidelines
Plant Regulator, Desiccant and 08/00/88

Part 158 Rule Revision
Vertebrate Control Guidelines, 01/00/88
Aquatic Plant Control Guidelines 03/00/88

Small Entity: Undetermined

Additional Information:

FTS:8-557-1765

Agency Contact: Bernard A. Schneider, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-768c), Washington, DC 20460, 703 557-1765

RIN: 2070-AB82

2689. PROCEDURES FOR AMENDING AND REPEALING TOLERANCES OR EXEMPTIONS FROM TOLERANCES UNDER SECTION 408 AND 409 OF FFDCA

Legal Authority: 21 USC 136a/FFDCA 409

CFR Citation: 40 CFR 180.32

Legal Deadline: None.

Abstract: This regulation will set forth procedures by which food additive tolerances, required by section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), may be amended or revoked. It may include revisions to FIFRA section3 and FFDCA section 408 regulations to make them consistent with the new regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2444.

FTS:8-557-7700

Agency Contact: Ferial Bishop, Branch Chief, Registration Support and Emergency Response, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 703 557-7700

RIN: 2070-AB78

2690. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN TERMITICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 3

CFR Citation: 40 CFR 162.31

Legal Deadline: None.

Abstract: FIFRA requires that pesticides be classified for either general use or restricted to trained, certified pesticide applicators. This rule would classify certain active ingredients in termiticides for restricted use based on the hazards of misuse. Classification for restricted use permits the continued use of certain pesticides which, if used without restrictions, may have adverse effects on human health and the environment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: SAR No. 2317.

FTS: 8-557-5096

Agency Contact: James Roelofs, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-0064

RIN: 2070-AB53

2691. ● RESTRICTED USE CLASSIFICATION FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA

CFR Citation: 40 CFR 162.30

Legal Deadline: None.

Abstract: This rule will provide a scheme for identifying pesticides which may pose an unacceptable hazard because of a tendency to leach into groundwater. Options for mitigating the hazard of pesticides having the potential for leaching into groundwater will be developed as well as criteria for classifying them for restricted use. Restricted use pesticides generally may be applied only by state certified applicators. Other restrictions on conditions or locations of use will be considered when application by skilled persons may not be sufficient to prevent pesticides from posing a hazard due to its tendency to leach into groundwater.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: SAR No. 2351.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, **202 557-3942**

RIN: 2070-AB60

2692. FIFRA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 7 USC 136 /FIFRA 3; 21 USC 346; 21 USC 348; 21 USC 371

CFR Citation: 40 CFR 160

Legal Deadline: None.

Abstract: This action will expand the scope of the FIFRA Good Laboratory PracticeS (GLPs) to include 1) additional types of testing not covered by the current 40 CFR 160 and certain changes from the recent FDA GLP regulation amendments. Specifically, environmental fate, certain other chemistry tests, ecological effects and efficiency are among the types of tests to be added.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 1703.

FTS:8-382-7825

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, EN-342, Washington, DC 20460, **202 382-7825**

RIN: 2070-AB68

2693. SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED PERSONS

Legal Authority: 42 USC 136 /FIFRA 4, 12

CFR Citation: 40 CFR 162

Legal Deadline: None.

Abstract: This action is intended to develop regulations to allow the sale of restricted use pesticides to persons who are not certified under special circumstances as set forth by Congress in 1978. Regulatory development will be coordinated with the review of state plans under FIFRA Section 4 to determine both need and compatibility with State authorities and programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2337.

FTS: 8-382-3949

Agency Contact: Connie Musgrove, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, D.C. 20460, **202 475-9582**

RIN: 2070-AB48

2694. REGULATIONS ON CERTIFICATION OF PESTICIDE APPLICATORS (REVISION)

Legal Authority: 42 USC 136/FIFRA 4

CFR Citation: 40 CFR 171

Legal Deadline: None.

Abstract: This action is intended to revise existing regulations on certification of pesticide applicators. The current standards and requirements may need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Additional Information: SAR No. 2446.

FTS:382-3847

Agency Contact: Maureen Lydon, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, **202 382-3847**

RIN: 2070-AB75

2695. EXPERIMENTAL USE PERMITS (REVISION)

Legal Authority: 7 USC 136 /FIFRA 4

CFR Citation: 40 CFR 172

Legal Deadline: None.

Abstract: This proposed revision will amend the existing regulations (40 CFR 172) pertaining to Experimental Use Permits (EUPs) to incorporate the policies set forth in the Office of Science and Technology Policy, which were published in the Federal Register on June 26, 1986 (51 FR 23313). The existing regulations exempt prospective registrants from the requirement of obtaining an EUP if they propose to conduct tests which will involve less than 10 acres of land and less than one surface acre of water. The proposed revision would require them to notify EPA if tests are to involve genetically altered or manipulated microorganisms or nonindigenous pathogenic microorganisms and will describe certain data required to be submitted at the time of notification so that the Agency may determine whether an EUP will be required.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2445.

FTS:8-557-8196

Agency Contact: Henry Jacoby, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

769C), Washington, DC 20460, 703 557-8196

RIN: 2070-AB77

2696. WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 25

CFR Citation: 40 CFR 170

Legal Deadline: None.

Abstract: The worker protection standards for agricultural pesticides will be revised to reflect new and developing requirements for the registration, reregistration and use of pesticides. The current standards need to be revised in order to increase the scope of coverage, update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	12/00/87	

Small Entity: No

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA

Agency Contact: Patricia Breslin, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-766C), Washington, DC 20460, 703 557-7666

RIN: 2070-AA49

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Final Rule Stage

2697. COMPREHENSIVE REVISION OF PESTICIDE REGISTRATION AND CLASSIFICATION PROCEDURES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136(a) / FIFRA 3

CFR Citation: 40 CFR 162

Legal Deadline: None.

Abstract: These regulations will revise procedures and requirements for the registration, reregistration and classification of pesticide products as restricted use. The revisions are intended to improve the clarity of the existing rule and to integrate into the procedures aspects of the registration process, such as the Registration Standards program, which were initiated since the original regulation was promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/79	44 FR 76311
NPRM	09/26/84	49 FR 37915
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 1964.

FTS: 8-557-0944.

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-0944

RIN: 2070-AA56

2698. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None.

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 2239.

FTS: 8-557-0944.

Split away from RIN: 2070-AA56

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, 703 557-0944

RIN: 2070-AB46

2699. REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION

Legal Authority: 7 USC 136 /FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None.

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6 (a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is revising it to clarify the types of information which registrants must report to EPA.

Timetable:

Policy Statement

Final Action 12/00/87

Small Entity: No

Additional Information: SAR No. 2338.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-3942

RIN: 2070-AB50

2700. REGISTRATION OF PESTICIDE PRODUCING ESTABLISHMENTS (REVISION)

Legal Authority: 7 USC 136 / FIFRA 7

CFR Citation: 40 CFR 167

Legal Deadline: None.

Abstract: This regulation amends the existing regulations on registering establishments that produce pesticides.

EPA—FIFRA

Final Rule Stage

The regulation implements the Congressional mandate to register establishments that produce active ingredients used in pesticides.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46100
NPRM	03/25/87	52 FR 9504
Final Action	11/00/87	

Small Entity: No

Additional Information: SAR No. 1747.

FTS: 8-382-7825.

Agency Contact: David Hannemann, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7825

RIN: 2070-AA04

2701. PESTICIDE ADVERTISING

Legal Authority: 7 USC 136 /FIFRA 12, 18

CFR Citation: 40 CFR 153.12; 40 CFR 166.7

Legal Deadline: None.

Abstract: EPA is proposing to treat as unlawful under FIFRA section 12 or restrict the advertising of certain uses of pesticides authorized for experimental use, emergency use, and special local needs. The proposed policy will also address advertising of other unregistered pesticides and pesticide use patterns. This policy is intended to prevent misuse of pesticides which could cause unreasonable adverse effects on humans or the environment.

Timetable:

Interpretive Rulemaking
Final Action 12/00/87
Policy Statement
Proposal 07/03/86 (51 FR 24393)

Small Entity: No

Additional Information: SAR No. 2314.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-3942

RIN: 2070-AB47

2702. USER CHARGES FOR PESTICIDE REGISTRATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701 /Independent Offices Appropriation Act of 1952

CFR Citation: 40 CFR Not applicable

Legal Deadline: None.

Abstract: Under the authority of the Independent Offices Appropriation Act (IOAA) of 1952, the Agency is proposing to establish user fees for processing pesticide registration actions which constitute special services to registrants. The Agency is also considering establishing fees for other special services such as re-registration. The proposed registration fee system would place all or part of the burden of payment for the Agency's services on those who benefit from the service rather than on the Agency.

Timetable:

Action	Date	FR Cite
NPRM	11/26/86	51 FR 42974
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR No. 2013.

FTS: 8-557-7711

Agency Contact: Robert Brennis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757C), Washington, D.C. 20460, 703 557-7711

RIN: 2070-AB52

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Completed Actions

2703. RESTRICTED USE RULE FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

CFR Citation: 40 CFR 162.30

Completed:

Reason	Date	FR Cite
Now RIN 2070-AB60	08/27/87	

Small Entity: No

Agency Contact: David Alexander 202 557-3942

RIN: 2070-AB69

2704. GUIDELINES ON DISPOSAL AND STORAGE OF PESTICIDES (REVISION)

CFR Citation: 40 CFR 165

Completed:

Reason	Date	FR Cite
No action anticipated in foreseeable future	08/27/87	

Small Entity: No

Agency Contact: Raymond F. Krueger 703 557-7347

RIN: 2070-AA61

2705. GENERIC LISTING OF PESTICIDES AS ACUTE HAZARDOUS WASTES

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/87	

Small Entity: No

Agency Contact: Jean Frane 202 557-0944

RIN: 2070-AB70

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Prerule Stage

2706. ● PCB NOTIFICATION AND MANIFESTING RULE

Legal Authority: 15 USC 2605/TSCA 6; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: Under the authority of TSCA, EPA is considering rulemaking which would require that all PCB wastes be manifested for disposal. The purposes of the regulation would be 1) to obtain information about handlers and storers of PCB wastes; and 2) to track shipment of wastes containing PCBs. Issues still under consideration are the scope of the generator's obligation to notify, and whether to exclude small quantities of wastes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information:

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070-AB83

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Proposed Rule Stage

2707. ● RESTRICTIONS ON DISPOSAL OF DRAINED ELECTRICAL EQUIPMENT

Legal Authority: 15 USC 2605

CFR Citation: 40 CFR 761.60(b)(4)

Legal Deadline: None.

Abstract: EPA is considering rulemaking to address the issues posed by improper disposal of electrical equipment which once contained PCB contaminated oil. Alternatives being considered are regulation of the scrapyards which receive the drained equipment. Benefits of the regulatory action may be a reduction in the number of Superfund sites.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Additional Information:

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070-AB80

2708. DECISIONS ON TEST RULES

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None.

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12-month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through TSCA review processes.

Timetable:

Alkyl Phthalates (Enviro) (ITC List 1)
Final Action 06/00/88
Anilines (ITC List 4)
ANPRM 01/03/84 (49 FR 108)
Final Action 01/00/88
Anthraquinone (ITC List 15)
NPRM 11/06/85 (50 FR 46090)
Final Action 06/04/87 (52 FR 21018)
Aryl Phosphates (ITC List 2)
ANPRM 12/29/83 (48 FR 57452)
NPRM 00/00/00
Benzyl Butyl Phthalate (ITC List 7)
Notice 10/30/81 (46 FR 53775)
Notice 01/05/82 (47 FR 335)
NPRM 09/06/85 (50 FR 36446)
Final Action 10/00/87
Biphenyl (Test Standards)(ITC List 10)
NPRM 07/15/86 (51 FR 25577)
Final Action 10/00/87
C.I. Disperse Blue 79 (ITC List 19)
NPRM 00/00/00
Chlorinated Benzenes (environmental)(ITC List 1)
NPRM 01/13/84 (49 FR 1760)
Final Action 07/01/87 (52 FR 24460)
Commercial Hexane
NPRM 05/15/86 (51 FR 17854)
Final Action 09/00/88
Cresols (Test Standards) (ITC List 1)
NPRM 04/28/86 (51 FR 15803)
Final Action 05/20/87 (52 FR 19082)
Cumene (ITC List 15)
NPRM 11/06/85 (50 FR 46104)
Final Action 05/00/88
Cyclohexane (ITC List 18)
NPRM 05/20/87 (52 FR 19096)
Diethylene glycol butyl ether acetate (DGBA) (ITC LIST 13)
ANPRM 11/19/84 (49 FR 45606)
NPRM 08/04/86 (51 FR 27880)
Final Action 05/00/88
Diethylene Glycol Butyl Ether (ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
NPRM 08/04/86 (51 FR 27880)
Final Action 05/00/88
Diisodecyl Phenyl Phosphate (ITC List 17)
NPRM 00/00/00
Environmental Monitoring Test Rule
NPRM 00/00/00
Ethylbenzene (ITC List 20)
NPRM 00/00/00
Ethylene Glycol Ethers Category
NPRM 00/00/00
Fluoroalkenes (ITC List 7)
ANPRM 10/30/81 (46 FR 53704)
NPRM 06/04/84 (49 FR 23112)
NPRM 11/06/85 (50 FR 46133)
Final Action 06/08/87 (52 FR 21516)
Glycidols (ITC List 3)
ANPRM 12/30/83 (48 FR 57562)
NPRM 10/00/88
Hexafluoropropylene Oxide (ITC List 2)
NPRM 12/30/83 (48 FR 57686)
Final Action 00/00/00
Hydroquinone (Test Standards)(ITC List 5)
NPRM 12/30/85 (50 FR 53160)
Final Action 05/28/87 (52 FR 19865)
ISOPROPANOL (ITC LIST 19)
NPRM 04/00/88
Mercaptobenzothiazole (ITC List 15)
NPRM 11/06/85 (50 FR 53160)
Final Action 07/00/88
Mesityl Oxide (ITC List 4)
Final Action 05/20/87 (52 FR 19088)
Methy ethyl ketoxime (ITC List 19)
NPRM 09/00/88
Methyl tert-butyl ether (ITC List 19)
Final Action 05/00/88
Methylcyclopentane (ITC List 16)
NPRM 05/15/86 (51 FR 17854)
Final Action 04/00/88
Methylolurea (ITC List 12)

ANPRM 05/21/84 (49 FR 21371)
NPRM 00/00/00

Nonylphenol
NPRM 00/00/00

Octamethylcyclotetrasiloxane (ITC List 15)
NPRM 10/30/85 (50 FR 45123)
Final Action 00/00/00

Oleyamine (Pharmocokinetics) (ITC List 13)
NPRM 12/00/87

Oleyamine (Test Standards) (ITC List 13)
NPRM 09/00/87

Oleylamine (ITC List 13)
NPRM 11/19/84 (49 FR 45610)
Final Action 09/00/87

Other Disperse Blue Dyes (ITC List 20)
NPRM 00/00/00

OSW Generic Test Rule
NPRM 05/29/87 (52 FR 20336)
Final Action 04/00/88

Pentabromoethylbenzene (ITC List 15)
NPRM 11/13/85 (50 FR 46785)
Final Action 01/00/88

Phenol, 2,6,-bis(1,1-dimethyl ethyl) (ITC List 18)
NPRM 00/00/00

Phenylenediamines and Toluenediamines (ITC List 6)
ANPRM 01/08/82 (47 FR 973)
NPRM 01/06/86 (31 FR 472)
NPRM 10/00/87

Phosphoric acid, tri-butyl ester (ITC List 18)
NPRM 00/00/00

Propylene Oxide (Test Standards) (ITC List 1)
NPRM 11/27/85 (50 FR 48803)
Final Action 09/00/87

Tetrabromobisphenol A (ITC List 16)
NPRM 05/15/86 (51 FR 17872)
Final Action 07/06/87 (52 FR 25219)

Tributyl phosphate (ITC List 19)
NPRM 10/00/87

Triethylene Glycol Monomethyl,Monoethyl,Monobutyl Ethers(List16)
NPRM 05/15/86 (51 FR 17883)
Final Action 01/00/88

Trimethylbenzene (Test Standards) (List 10)
NPRM 03/27/86 (51 FR 10557)
Final Action 01/23/87 (52 FR 2522)

Vinyldiene Chloride
NPRM 08/12/86 (51 FR 28840)
Final Action 00/00/00

1,1,1-Trichloroethane (muta/neuro) (ITC List 2)
NPRM 01/00/88

1,2-Dichloropropane (Test Standards) (ITC List 3)
NPRM 09/09/86 (51 FR 32107)
Final Action 09/00/87

2-Ethylhexanoic acid (ITC List 14)
NPRM 05/17/85 (50 FR 20678)
Final Action 11/06/86 (51 FR 40318)

2-Ethylhexanol
NPRM 12/19/86 (51 FR 45487)
Final Action 00/00/00

2,6-Di-tert-butylphenol (ITC List 18)
NPRM 06/25/87 (52 FR 23862)
Final Action 07/00/88

3,4-Dichlorobenzotrifluoride (ITC List 14)
Final Action 06/23/87 (52 FR 23547)

Small Entity: No

Additional Information: SAR No. 1137.

FTS: 8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, **202 475-8130**

RIN: 2070-AB07

2709. TSCA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 792

Legal Deadline: None.

Abstract: Expand the scope of the rule to include: 1) additional types of testing not covered by the current 40 CFR 792, 2) TSCA section 4 consent agreements, and 3) certain changes in the recent FDA GLP regulation amendment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 1886.

FTS:8-382-7825

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, EN-342, **202 382-7825**

RIN: 2070-AB65

2710. ● SARA SECTION 110 CHEMICALS GENERIC TEST RULE

Legal Authority: 15 USC 2603 / TSCA Section 4

CFR Citation: 40 CFR 790

Legal Deadline: None.

Abstract: The regulation will set forth the policies and procedures to be used in using the TSCA Section 4 testing authority to obtain toxicity and chemical fate testing to fill certain data needs identified in toxicity profiles of chemicals prepared pursuant to Section 110 of the Superfund Amendments and Reauthorization Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	03/00/88	
Final Action	12/00/88	

Small Entity: No

Additional Information:

FTS:8-475-8130

Agency Contact: Gary E. Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, **202 475-8130**

RIN: 2070-AB84

2711. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None.

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Anthraquinone
NPRM 11/06/85 (50 FR 26090)
Final Action 06/04/87 (52 FR 21018)

Epibromohydrin
NPRM 01/02/87 (52 FR 107)
Final Action 10/00/88

Ethylenediaminetetra (Methylenephosphonic Acid) and its Salts
NPRM 01/00/88

Hexafluoropropylene Oxide
NPRM 01/02/87 (52 FR 107)
Final Action 10/00/88

Methyl Butyl Ketone
NPRM 07/07/86 (51 FR 24551)
Final Action 04/13/87 (52 FR 11822)

Trichlorobutylene Oxide
NPRM 01/02/87 (52 FR 107)
Final Action 10/00/88

Tris/2,3-Dibromopropyl Phosphate
NPRM 07/07/86 (51 FR 24555)
Final Action 01/26/87 (52 FR 2699)

1-Chloro-2-bromoethane
NPRM 09/04/87 (52 FR 33606)

11-Aminoundecanoic Acid
NPRM 07/22/86 (51 FR 26273)
Final Action 05/28/87 (52 FR 19860)

Small Entity: No

Additional Information: SAR No. 1923.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

778), Washington, DC 20460, 202 382-3436

RIN: 2070–AA58

2712. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, import, processing, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons process the substance without controls. Therefore EPA, by rule, are free to manufacture, import, or process the substance without controls. Therefore EPA, by rule, designates manufacture, import, or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur without an opportunity for prior Agency review.

Timetable:

(see additional information for title)
NPRM 00/00/00
(84-274) (see additional information for title)
NPRM 08/26/85 (50 FR 34505)
Final Action 00/00/00
(85-1176) (see additional information for title)
NPRM 00/00/00
(85-564) (see additional information for title)
NPRM 00/00/00
(85-703) (see additional information for title)
NPRM 03/27/85 (50 FR 12046)
NPRM 06/23/86 (51 FR 22831)
Final Action 00/00/00
Alkyl Aryl Phosphine (83-1023)
NPRM 09/20/84 (49 FR 36880)
Final Action 00/00/00
Alkyl Glycoether Acrylic Acid Derivative(84-27)
NPRM 12/24/84 (49 FR 49868)
Final Action 00/00/00
Brominated Aryl Alkyl Ether, Ethylated Amino Phenol Amino ETC
NPRM (83-906/908/909/910) 09/28/84 (49 FR 38303)
Final Action 00/00/00
Certain Acrylate and Methacrylate Chemicals (84-176, 180-184)
NPRM 03/27/85 (50 FR 12046)
Final Action 00/00/00
Certain Acrylate Chemicals (84-341-344)
NPRM 04/04/86 (51 FR 11591)
Final Action 00/00/00
Methylammonium n-Methyldithiocarbamate (84-1042)
NPRM 03/24/86 (51 FR 10027)
Methylammonium n-Methyldithiocarbamate(84-1042)
Final Action 00/00/00
N,N,N'N'-Tetrakis (oxiranylmethyl) 1,3-Cyclohexanedimethanamine
NPRM (84-7) 01/13/86 (51 FR 1396)
Final Action 00/00/00
Polyol Polyacrylate (85-718)
NPRM 00/00/00
Substituted Benzene, Halogenated (85-612)
NPRM 00/00/00
Substituted Benzene, Halogenated (84-660 and 84-704)
NPRM 03/18/86 (51 FR 9221)
Final Action 00/00/00
Substituted Bromothiophene (83-769)
NPRM 09/28/84 (49 FR 38310)
Final Action 00/00/00
Substituted Methylpyridine (83-237)
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00
Substituted Polyester Resin (85-395)
NPRM 00/00/00
Substituted Tetrafluoro Alkanes and Alkanes (84-105/106/107)
NPRM 03/21/85 (50 FR 11384)
Final Action 00/00/00
2-Butenedioic Acid(z), Mono'2-'(1-Oxo-2-propenyl)Oxy'Ethyl'-Ester
NPRM (85-543) 00/00/00
2-Propenoic Acid-3-Dimethylamino)-2,2-Dimethyl-Propyl Ester
NPRM 00/00/00
2-Propenoic Acid, 2-Methyl-3,3,5-trimetylcyclohexylester (85-546)
NPRM 00/00/00
2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester(85-547)
NPRM 00/00/00

Small Entity: No

Additional Information: SAR No. 2246.

FTS:8-382-3771.

(85-1176) Alcohols, C1-4, ethers with Polyethylent-polypropulene glycol mono (2-aminopropyl) ether, polymer with maleic anhydride and trimethylolpropane triacrylate

(85-564) Isocyanic acid, polymethylene-polyphenylene ester, polymer with 1,1-methylenebis ;4-isocyanatobenzene!, 2-hydroxyethyl acrylate-blocked

(85-703) Poly 2-hydroxpropyl melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

(84-274) Poly(oxy-1,4-butanediyl)-alpha-(1-oxo-2-propenyl) -omega-[(1-oxo-2-propenyl)-oxy)

NPRM 2-Propenoic Acid, 2-Methyl-7,7,9-Trimethyl-4,13-Dioxo-3, 14-Dioxo-t,12-Diazahexadecane, 1,16-Diyl Ester

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3771

RIN: 2070–AB27

2713. GENERIC SIGNIFICANT NEW USE RULE FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694 /TSCA Section 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of a significant new use. The significant new use rule will apply to a subset of acrylates and methacrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: SAR No. 2247.

FTS: 8-382-3779

Agency Contact: Lynda Priddy, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3969

RIN: 2070–AB56

2714. ● RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY")

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721

Legal Deadline: None.

Abstract: Under the authority of the Toxic Substances Control Act, the agency is proposing three separate regulatory actions for manufacturers, importers, and processors of certain microbial products of biotechnology. Under section 5, the Agency is propos proposing to amend its definition of "small quantities solely for research and development" contained in the Premanufacture Notification (PMN) Rule, thereby requiring persons to submit PMNs prior to testing new microorganisms in the environment. EPA also is proposing significant new use notification requirements under section 5(a)(2), which would require persons to notify the Agency of new environmental applications of certain pathogens. In addition, the Agency may be proposing section 8(a) reporting requirements for persons who are using microorganisms in the requirements. The primary objective of these actions is to ensure uses of microorganisms in the environment, and to obtain data for use in evaluating the biotechnology programs and the biotechnology industry. (CONT)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Finally, the Agency has requested information which will permit the Agency to make the necessary statutory findings to propose a section 5(h)(4) exemption to PMN requirements for biotechnology-related products of low risk.

SAR NO. 2325 (SNUR for Certain Biotech Products); 2326 (PMN for Certain Biotech Products); 2327 (8(a) for Certain Biotech Products)

FTS:8-382-3856

Agency Contact: Jane Rissler, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3856

RIN: 2070-AB61

2715. NITROSAMINES IN METALWORKING FLUIDS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 747

Legal Deadline: None.

Abstract: The formulation of water-based metalworking fluids with nitrite in combination with alkanolamines may present an unreasonable risk to machinists due to the formulation of nitrosamines, particularly n-nitrosodiethanolamine (NDELA). Recent studies indicate that NDELA is a potent animal carcinogen. EPA may either propose to prohibit the intentional addition of inorganic nitrites to water-containing metalworking fluids that contain amines, refer occupational risks to the Occupational Safety and Health Administration under section 9(a) of TSCA, or initiate other actions.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/84	49 FR 2767

Next Action Undetermined

Small Entity: Yes

Additional Information: SAR No. 2149.

FTS: 8-382-3945.

Analysis: RFA; RIA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB09

2716. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: None.

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for the reduction of three categories of exposure to formaldehyde: 1) residents exposed to formaldehyde emissions from wood products used in the construction of manufactured homes: 2) similarly exposed residents of conventional homes: 3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. Because OSHA proposed a standard in December 1985 that applies to all occupational exposure, EPA has terminated its investigation with respect to apparel manufacturing employees. Investigation of risks from exposure to formaldehyde emissions from wood products is being conducted in consultation with HUD and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/ or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section 9(d) and Notice of Termination for Apparel Workers	03/19/86	51 FR 9469
Section 9 Report, NPRM, or Statement of No Unreasonable Risk Regarding Wood Products	10/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2146.

FTS: 8-382-3945.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB14

2717. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an

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unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: SAR No. 2150.

FTS: 8-382-3935.

Analysis: RIA

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070-AB20

2718. REGULATORY INVESTIGATION OF CHLORINATED SOLVENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6, 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 754

Legal Deadline: None.

Abstract: EPA, in consultation with the Consumer Product Safety Commission, Occupational Safety and Health Administration and Food and Drug Administration, is developing a comprehensive and integrated strategy for a regulatory investigation of methylene chloride and five other chlorinated solvents. In some cases, these chlorinated solvents are competitive and can be easily substituted for each other in a number of uses. The integrated effort is being conducted to reach general agreement on the risks associated with the solvents and to avoid ineffective risk management actions that may occur due to solvent switching or pollutant transfer among media which could be caused by piecemeal regulation. Data are being gathered for six solvents (methylene chloride, perchloroethylene, trichloroethylene, methyl chloroform, carbon tetrachloride, and CFC-113) and their potential substitutes. This regulatory investigation is focused on four major use categories: dry cleaning, metal degreasing, paint stripping and aerosol application. The investigation will determine whether coordinated regulatory controls are needed to eliminate or reduce exposure to these solvents.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42037
NPRM	05/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2284.

FTS: 8-382-3945.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB41

2719. PCB SPILL CLEANUP RECORDKEEPING RULE

Legal Authority: 15 USC 2605(e)(3)(B) / TSCA 6(e)

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: This regulation will require parties responsible for PCB spill clean up to maintain records of the cleanup. The information required to be included in the records will likely be the same as that required in the PCB spills cleanup policy. The recordkeeping requirements will facilitate verification of PCB spill cleanup.

Timetable:

Action	Date	FR Cite
Policy Statement	04/02/87	52 FR 10688
NPRM	04/00/88	

Small Entity: No

Additional Information: SAR No. 2297.

FTS: 382-3866.

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070-AB45

2720. ● PROCEDURES FOR TERMINATION OF POLYCHLORINATED BIPHENYL DISPOSAL APPROVALS

Legal Authority: 15 USC 2605/TSCA 6; 5 USC 556 et seq

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: Under section 6(e) of TSCA, the Agency is considering establishing uniform procedures for the revocation of TSCA disposal permits. The regulation would establish uniform revocation procedures and thereby ensure fairness in permit revocation proceedings.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information:

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070-AB81

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Final Rule Stage

2721. SARA SECTION 313 TOXIC CHEMICAL RELEASE REPORTING RULE

Significance: Regulatory Program

Legal Authority: SARA Sec 313

CFR Citation: 40 CFR Not applicable

Legal Deadline: Statutory, December 1987.

Abstract: This action publishes a uniform Toxic Chemical Release Reporting form for the annual reporting of emissions of over 300 designated toxic chemicals and compounds to all environmental media. As required by statute, owners and operators of facilities in SIC Codes 20-39 with 10 or more full time employees must report annually on their emissions if they manufacture, process, or otherwise use a listed toxic chemical in amounts that exceed thresholds as outlined in the statute.

EPA—TSCA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/04/87	52 FR 21152
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2404.

FTS:8-382-3667

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Michael Shapiro, Director, Economics and Technology Division, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070-AB71

2722. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None.

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) to allow for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology) and adds consent orders as a means of obtaining test data required under Section 4 of TSCA. In addition, this rule will simplify the procedures governing the development and implementation of testing requirements under 2-phase rulemaking, and amend the current procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Interim Final Rule	09/00/87	
Interim Final Rule	09/00/87	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-777), Washington, DC 20460, 202 475-8130

RIN: 2070-AB30

2723. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None.

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals.

Timetable:

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 06/11/86 (51 FR 21199)
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Substituted Methylpyridine/Substituted 2-Phenoxypyridine
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00

Small Entity: No

Additional Information: SAR No. 1976.

FTS: 8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3771

RIN: 2070-AA59

2724. GENERAL REGULATIONS ON SIGNIFICANT NEW USE RULES (SNURS) (REVISION)

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: Subpart A of part 721 of 40 CFR contains general provisions for Significant New Use Rules (SNURs). The Agency has received comments requesting that the general provisions be modified to revise its hazard communication provisions to make them more compatible with OSHA's Hazard Communication Standard; and to allow manufacturers and processors to seek Agency approval, outside the context of a PMN submission, for risk management measures which are equivalent to those described in a SNUR. Based on comments, EPA has proposed revisions to the general provisions for SNURs.

Timetable:

Action	Date	FR Cite
NPRM	04/22/86	51 FR 15104
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2250.

FTS:8-382-3771.

Agency Contact: John Bowser/Andrew Cherry, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3771

RIN: 2070-AB26

2725. PROCEDURAL RULE FOR EXPEDITED NEW CHEMICAL FOLLOW-UP

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: This rulemaking would establish criteria and procedures by which certain chemicals could be administratively added to or withdrawn from a list of chemicals subject to section 5(a)(2) of TSCA. This would reduce the time and resources required to regulate individual chemicals under the new chemical follow-up program. This rulemaking would also establish reporting requirements under sections 8(a) and 8(d) for manufacturers and processors of certain chemicals that meet the criteria mentioned above.

Timetable:

Action	Date	FR Cite
NPRM	04/29/87	52 FR 15594
Final Action	03/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2375.

FTS:8-382-2439

Agency Contact: John Bowser, Environmental Protection Agency,

EPA—TSCA

Final Rule Stage

Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-2439

RIN: 2070-AB67

2726. POLYCHLORINATED BIPHENYLS (PCBS): MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS; EXCLUSIONS AND USE AUTHORIZATIONS (REVISION)

Legal Authority: 5 USC 556 /TSCA 6

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: On July 10, 1984, EPA promulgated a rule for inadvertently generated PCBs and authorizing the limited use of PCBs in heat transfer and hydraulic systems (49 FR 28172). EPA will propose amendments to the July 10 Rule in response to two petitions for judicial review of the Rule. The proposed amendments will be based on EPA evaluation of new information submitted by the petitioners and other interested parties.

Timetable:

Action	Date	FR Cite
NPRM	07/08/87	52 FR 25838
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2244.

FTS:8-382-3935.

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070-AB25

2727. ACTION CONCERNING COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 763

Legal Deadline: None.

Abstract: Asbestos is a known human carcinogen. Persons are exposed to asbestos from releases to the environment during all phases of the lifecycle of asbestos products. Because of the serious risk presented to many people from exposure to asbestos during the lifecycle of asbestos products, EPA has proposed a rule under Section 6 of TSCA to ban certain asbestos products for which substitutes are currently available and to phase out all or most asbestos mining and importation over 10 years.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
NPRM	01/29/86	51 FR 3738
Final Action	07/00/88	

Small Entity: Yes

Additional Information: SAR No. 2296.

FTS: 382-3849.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA, RFA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB29

2728. ASBESTOS-IN-SCHOOLS INSPECTION AND ABATEMENT RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 /AHERA

CFR Citation: 40 CFR 763

Legal Deadline: Statutory, October 17, 1987.

Abstract: On October 22, 1986, the Asbestos Hazard Emergency Response Act (AHERA) of 1986 (Public Law 99-519) was signed into law. Under AHERA, EPA is directed to promulgate regulations which provide a framework for addressing asbestos problems in public and private schools. The statute sets deadlines of 180 days after enactment for EPA to issue proposed rules and 360 days for issuance of final rules. EPA must develop regulations which include requirements for: the inspection of all school buildings for asbestos-containing materials (ACM); the identification of circumstances requiring response actions; descriptions of the appropriate response actions; the implementation of response actions; the establishment of a periodic surveillance program for ACM; the establishment of an operations and maintenance program for friable ACM; the preparation and implementation of asbestos management plans by local educational agencies; and the transportation and disposal of waste ACM from schools.

Timetable:

Action	Date	FR Cite
ANPRM	08/12/86	51 FR 28913
NPRM	04/30/87	52 FR 15820
Final Action	10/17/87	

Small Entity: Yes

Additional Information: SAR No. 2408.

FTS: 382-3949.

Analysis: Regulatory Flexibility Analysis; RFA

Agency Contact: Michael Stahl, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788A), Washington, DC 20460, 202 382-3934

RIN: 2070-AB44

2729. PCBS IN ELECTRICAL TRANSFORMERS (REVISION)

Legal Authority: 15 USC 2605 /TSCA 6

CFR Citation: 40 CFR 761

Legal Deadline: None. Toxic Substances Control act, Section 6(e)

Abstract: Section 6(e) of TSCA authorizes the Administrator to promulgate rules governing the manufacture, processing and distribution in commerce, use and disposal of PCBs. EPA promulgated a rule, which was published in the Federal Register of July 17, 1985 (50 FR 29170), to amend portions of an existing EPA rule concerning the use of PCBs by placing additional restrictions and conditions on the use of PCB transformers. EPA will propose amendments to the July 17, 1985 rule in response to the terms set forth in a settlement agreement in Mississippi Power Company v. EPA.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 31738
Final Action	06/00/88	

Small Entity: No

Additional Information:

FTS:8-382-3866 SAR No. 2447.

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, TS-798, Washington, DC 20460, 202 382-3866

RIN: 2070-AB74

2730. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None.

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule - (40 CFR Part 712). These chemicals are identified by OTS, other EPA offices, and other Agencies, as well as chemicals recommended by the Interagency Testing Committee (ITC) on the TSCA Section4(e) priority list. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions.

Timetable:

OAQPS/OTS Chemicals PAIR
NPRM 05/14/87 (52 FR 18250)
Final Action 12/00/87
Pesticide Inerts
NPRM 05/14/87 (52 FR 18245)
Final Action 00/00/00
20th ITC List Chemicals
Final Action 05/20/87 (52 FR 19027)
21st ITC List Chemicals
Final Action 11/00/87

Small Entity: No

Additional Information: SAR No. 2178.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, 202 382-3436

RIN: 2070-AB08

2731. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None.

Abstract: These rules add chemicals to the list of chemicals and mixture Subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. These chemicals are identified by OTS, other EPA offices, other Agencies, as well as chemicals recommended by the Interagency Testing committee (ITC) on the TSCA Section 4(e) Priority List. Manufacturers, importers, and processors of listed substances must submit unpublished health and safety data on those listed substances.

Timetable:

Pesticide Inerts
NPRM 05/14/87 (52 FR 18245)
Final Action 00/00/00
Substances Contained in Water, Solid Waste and Consumer Products
NPRM 08/08/86 (51 FR 27562)
Final Action 05/01/87 (52 FR 16022)
20th ITC List Chemicals
Final Action 05/20/87 (52 FR 19027)
21st ITC List Chemicals
Final Action 11/00/87

Small Entity: No

Additional Information: SAR No. 1139a.

FTS: 8-382-3436.

Docket No. OPTS 84012.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AB11

2732. TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Significance: Regulatory Program

Legal Authority: 15 USC 2607(a) / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None.

Abstract: This rule will contain a comprehensive list of questions for industry reporting which will provide necessary information to complete chemical assessments. Each time EPA needs information on a chemical, the Agency will amend the rule to add the chemical. Not all questions will be selected for each chemical added to the rule; only the most relevant questions will be selected for each chemical. The information obtained by this rule will be used by EPA and other Federal Agencies to support assessments of and rulemaking on chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 35762
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2129.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AB13

2733. USER FEES FOR PROCESSING PMNS

Significance: Regulatory Program

Legal Authority: 15 USC 2625 /TSCA 26(B)

CFR Citation: 40 CFR 700

Legal Deadline: None.

Abstract: Section 26(b) of TSCA authorizes EPA, by rule, to require the payment of a fee from any person required to submit data under section 4 or 5 of TSCA. The fee may not exceed $2,500 or, in the case of a small business concern, $100. EPA intends to propose a rule under this authority to require fees for Agency review of premanufacture notices (PMNs) and PMN exemption notices and applications for new chemical substances, and significant new use notices for new and existing chemicals.

Timetable:

Action	Date	FR Cite
NOTICE	07/11/86	51 FR 25250
NPRM	04/20/87	52 FR 12940
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR No. 2324.

FTS: 8-382-3945

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3945

RIN: 2070-AB54

2734. ● RECODIFICATION OF TSCA CFR SECTION 721

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: Section 721 of 40 CFR contains general provisions for Significant New Use Rules and a list of significant new uses for specific chemical substances. It is the Agency's

intent to restructure Part 721 to allow 1) insertion of new generic SNUR triggers, and 2) other reorganization amendments to the SNUR regulations to make SNUR requirements more clear.

Timetable:

Action	Date	FR Cite
Final Action	03/00/88	

Small Entity: No

Additional Information:

FTS:8-382-3436

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AB85

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Completed Actions

2735. DIOXINS/FURANS: TESTING RULE AND REQUIREMENTS FOR DATA SUBMISSION

Significance: Regulatory Program

CFR Citation: 40 CFR 799; 40 CFR 712

Completed:

Reason	Date	FR Cite
Final Action	06/05/87	52 FR 21412

Small Entity: No

Agency Contact: Martin Halper 202 382-3866

RIN: 2070-AB21

2736. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY")

Significance: Regulatory Program

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721

Completed:

Reason	Date	FR Cite
Now RIN 2070-AB61	08/27/87	

Small Entity: Undetermined

Agency Contact: Jane Rissler 202 382-3856

RIN: 2070-AB66

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Proposed Rule Stage

2737. SECONDARY TREATMENT/PERCENT REMOVAL REQUIREMENTS FOR COMBINED SEWER SYSTEMS

Legal Authority: 33 USC 1311(b)(1)(B) /CWA 301(b)(1)(B); 33 USC 1314(d)(1) /CWA 304(d)(1)

CFR Citation: 40 CFR 133

Legal Deadline: None.

Abstract: In this amendment the Agency will propose a mechanism for permit adjustments for treatment plants served by Combined Sewer Systems similar to that which was recently promulgated (June 3, 1985) for separate sewer systems. The existing regulation requires 85% removal of BOD5 and suspended solids (65% for equivalent treatment) from treatment plants served by combined sewers during dry weather flow conditions. Problems exist in meeting these requirements when plants experience less concentrated influents.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 1962.

FTS:8-382-7371.

Agency Contact: Lam Lim, Environmental Protection Agency, Water, (WH-595), **202 382-7371**

RIN: 2040-AB13

2738. STATE SLUDGE PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1251(b) /CWA 101(b); 33 USC 1285(j) /CWA 205(j); 33 USC 1313(e) /CWA 303(e); 33 USC 1317(b) /CWA 307(b); 33 USC 1318 /CWA 308; 33 USC 1345 /CWA 405; 33 USC 1361(a) /CWA 501(a); 33 USC 1370 /CWA 510; 42 USC 6905(b) /RCRA 1006(b); 42 USC 6907 /RCRA 1008; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6944 /RCRA 4004; 42 USC 6945 /RCRA 4005; 42 USC 7410 /CAA 110; 42 USC 7411 /CAA 111; ...

CFR Citation: 40 CFR 501

Legal Deadline: Statutory. 12/15/86 for state program approval procedures (Water Quality Act of 1987).

Abstract: The agency proposed requiring States to develop and obtain approval for sludge management programs. Included in the proposal were: 1) program approval procedures; and 2) the elements of an approvable State program, including compliance monitoring and enforcement provisions. The agency will be developing revised state program regulations to conform to the new requirements of the Water Quality Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4458
Reproposal	12/00/87	
Final Action	11/00/88	

Small Entity: No

Additional Information: SAR No. 2163.

This item was listed in the April 1, 1986 to March 31, 1987 Regulatory Program of the United States Government as RIN 2040-AA73.

ADDITIONAL LEGAL AUTHORITY: Water Quality Act of 1987.

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9517**

RIN: 2040-AA73

2739. ● WATER QUALITY STANDARDS-REVISION

Legal Authority: 33 USC 1258 /CWA 108

CFR Citation: 40 CFR 131

Legal Deadline: None.

Abstract: A proposal to revise existing paragraph 131.41(a)(2) dealing with adoption of criteria for toxic pollutants to strengthen the factors for adoption, review, and approval of methods to implement narrative criteria for toxic pollutants in order to make the regulation consistent with the Water Quality Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	04/00/88	
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information:

FTS:8-245-3042

Government Levels Affected: State

Agency Contact: David K. Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, **202 245-3042**

RIN: 2040-AB34

2740. EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS EXTRACTION INDUSTRY (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Legal Deadline: Judicial, December 1985.

Abstract: The Agency will promulgate BAT, BCT and NSPS regulations for drilling fluids and drill cuttings waste streams from offshore oil and gas extraction facilities to limit discharges of pollutants from the offshore segment of the oil and gas extraction point source category.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
NPRM (Offshore)	08/26/85	50 FR 34592
NOTICE	11/13/85	50 FR 46784
NOTICE	12/31/85	50 FR 53348
NOTICE	11/00/87	
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1649. This item was included under RIN 2040-AA89 in the April 27, 1987 Regulatory Program of the United States Government.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7131**

RIN: 2040-AA12

2741. EFFLUENT GUIDELINES FOR ADHESIVES AND SEALANTS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 463

Legal Deadline: None.

Abstract: The Agency has decided to exclude portions of the Adhesives and Sealants point source category from toxic pollutant regulation. Authority for this decision is provided under the EPA-NRDC Settlement Agreement, Paragraph 8. A guidance document summarizing the technical findings may be developed, however a timetable for possible publication has not been determined.

Timetable:

Action	Date	FR Cite
Guidance Document	00/00/00	

Small Entity: No

Additional Information: SAR No. 1910.

FTS:8-382-7190.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Elwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7190**

RIN: 2040-AA30

2742. ● EFFLUENT GUIDELINES FOR NONFERROUS METALS MANUFACTURING (PHASE II) (REVISIONS)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None.

Abstract: In response to settlement agreements, the Agency will propose and promulgate amendments to the regulation previously promulgated on September 20, 1985 (50 FR 38276). These amendments are in response to settlements arrived with six petitioners and will affect six subcategories, primary beryllium subcategory, primary molybdenum and rhenium subcategory, second molybdenum and vanadium subcategory, secondary precious metals subcategory and secondary tungsten and cobalt subcategory. The amendments will revise BPT, BAT, NSPS and standards pretreatment to limit the discharge of pollutants from these subcategories.

Timetable:

Action	Date	FR Cite
NPRM	06/27/84	49 FR 26352
NPRM Comment Period End	09/20/85	50 FR 38276
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Additional Information:

FTS:8-382-7126

Government Levels Affected: Local, State, Federal

Agency Contact: Ernest P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040-AB31

2743. ● EFFLUENT GUIDELINES FOR PESTICIDES CHEMICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Legal Deadline: Statutory, December 31, 1986. Statutory deadline indicates Congressional intent that this regulation be expeditiously promulgated.

Abstract: On October 4, 1985 the EPA promulgated a final regulation establishing best available technology economically achievable, new source performance standards, pretreatment standards for existing sources and pretreatmemt standards for new sources for the pesticide industry under the Clean Water Act. In response to a joint motion filed by the Agency ad interested parties for a voluntary remand, on July 25, 1986, the final

regulation was remanded to the EPA by the Eleventh Circuit Court of Appeals. EPA removed the BAT, NSPS, PSNS, and PSES pesticide regulation from the Code of Federal Regulations at the direction of the Court, and informed the public that the regulation is no longer effective (December 15, 1986; 51 FR 44911). The Agency intends to reconsider this regulation and to establish new effluent limitation guidelines and standards for the pesticide manufacturers and formulator/packagers industry in a future rulemaking. This action does not in any way affect the best practicable control technology currently available limitations which were published on April 25, 1978 and September 29, 1978. These limitations are still effective.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	06/00/91	
Final Action Effective	09/00/91	

Small Entity: Undetermined

Additional Information:

FTS:8-382-7156

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Thomas Fielding, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7156**

RIN: 2040-AB32

2744. DEFINITION OF "WATERS OF THE UNITED STATES"

Legal Authority: 33 USC 1251 /CWA 303

CFR Citation: 40 CFR 122.2

Legal Deadline: None.

Abstract: This action will revise the definition of "Waters of the United States". It is necessary to replace the existing definition that was suspended in 1980.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2395.

FTS:8-475-9539

Agency Contact: George Young, Environmental Protection Agency, Water, EN-336, **202 475-9539**

RIN: 2040-AB01

2745. ● WATER QUALITY STANDARDS--REVISION FOR INDIAN TRIBES

Legal Authority: 33 USC 1251 et seq; 33 USC 1313 et seq; 33 USC 1342 et seq; 33 USC 1344 et seq

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 131; 40 CFR 230; 40 CFR 231; 40 CFR 232; 40 CFR 233

Legal Deadline: Statutory, August 3, 1988.

Abstract: Treatment of Tribes as States for Section 303, 402, and 404. The revised regulation will also incorporate a mechanism to resolve any disputes that might arise from unreasonable consequences occurring if Indian tribes and States adopt differing water quality standards for common bodies of water.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	
Final Action	08/00/88	

Small Entity: No

Additional Information:

FTS:8-475-7318

Agency Contact: David Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, **202 475-7318**

RIN: 2040-AB36

2746. ● NPDES REGULATORY REVISIONS

Legal Authority: 33 USC 1251 /CWA 303

CFR Citation: 40 CFR 122; 40 CFR 123

Legal Deadline: None.

Abstract: This action will revise the NPDES Regulations to conform to requirements contained in the 1987 Water Quality Act. In addition, several other changes will be made to clarify existing requirements and policies. These revisions will not encompass requirements mandated by Section 406 (sewage sludge) of the 1987 Water Quality Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: No

Additional Information:

FTS:8-475-9539

Agency Contact: George Young, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9539**

RIN: 2040-AB38

2747. ● REVISIONS TO REGULATIONS FOR MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR MUNICIPAL DISCHARGE INTO MARINE WATERS

Legal Authority: 33 USC 1311(h)/CWA 301(h)

CFR Citation: 40 CFR 125

Legal Deadline: None.

Abstract: The revisions to the regulations primarily are intended to respond to statutory changes made to sec. 301(h) of the Clean Water Act (33 USC 1311(h)), which governs secondary treatment waivers for municipal discharges into marine waters. The statutory changes to be addressed include, among other things, new requirements for minimum treatment levels and additional requirements for pretreatment programs for certain waiver applicants. In addition, the Agency is considering revising the regulations to more specifically address procedures and requirements for the renewal of secondary treatment waivers. The revised regulations will affect only a limited number of municipal treatment plants since the statutory deadline for applying for a secondary treatment waiver expired in 1982.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	
Final Action	05/00/89	

Small Entity: Undetermined

Additional Information:

FTS:8-475-7134

Agency Contact: Barry Burgan, Environmental Protection Agency,

Water, (WH-556F), Washington, DC 20460, 202 475-7134

RIN: 2040-AB29

2748. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: None.

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges are in response to concerns about the difficulty of complying the April 26, 1985 deadline for application submittals. These changes will address the deadline for application submission and the information required within the application.They will also reflect 1987 amendments to the Clean Water Act.

Timetable:

Action	Date	FR Cite
NPRM Deadline and Requirements	03/07/85	50 FR 9362
NPRM Reproposed Requirements	08/12/85	50 FR 32548
Final Action Deadline	08/29/85	50 FR 35200
(CWA amendments)		
NPRM Deadline Extension	09/00/87	
NPRM Reproposed Requirements	02/00/88	

Small Entity: No

Additional Information: SAR No. 2200.

FTS: 8-475-9537.

Agency Contact: Harry Thron, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9537

RIN: 2040-AA79

2749. FUTURE EFFLUENT GUIDELINES -- STANDARDS INITIATIVES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402, 301, 304, 306, 307, 501

CFR Citation: 40 CFR 400

Legal Deadline: None.

Abstract: EPA will evaluate additional categories of industrial discharges for hazardous or toxic pollutants; identify subcategories based upon production processes, pollutants, and applicable technologies; and determine the extent of the environmental problem and the practicality and efficiency of issuing effluent guidelines. Potential industrial categories for analysis will be selected based on requests from the EPA regional offices, states, and municipalities and from results of internal studies. Examples of industrial categories which will be evaluated include: hazardous waste treaters; solvent, barrel, and waste oil reclaimers; hospitals; equipment manufacturers; transportation sources; industrial laundries; and several others. Regulations for these industries, if appropriate, will be based on complex engineering and economic studies to determine wastewater characteristics and treatment capabilities of each industrial category and subcategory.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: SAR No. 2304.

FTS: 8-382-7137.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Tom O'Farrell, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7137

RIN: 2040-AA90

2750. ● NPDES PERMIT APPLICATION FORM 2C, STANDARD FORM A, AND SHORT FORM A REVISION

Legal Authority: 33 USC 1342/CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: None.

Abstract: This action will revise the current NPDES Permit Application Form 2C (industrial), Standard Form A (municipal), and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis. The new application forms will replace the old versions and enable permit writers to obtain more pertinent information regarding expected discharges and the environmental impact of proposal operations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information:

FTS:8-475-9528

Agency Contact: William A. Collins, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9528

RIN: 2040-AB39

2751. SEWAGE SLUDGE USE AND DISPOSAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: Statutory. Proposal November 30, 1986; Final August 31, 1987.

Abstract: The Agency plans to provide technical criteria and management practices by issuing technical sludge regulations under Section 405 of the Clean Water Act as amended by the Water Quality Act of 1987. These regulations will address: Distribution and Marketing, Application of sludge to lands which are used for Food and Non-food Chain crops, Ocean Disposal, Incineration and Landfilling. Thirty-two chemicals are currently being evaluated for the various reuse and disposal options.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
Final Action	09/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2162.

FTS: 8-475-7311.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Alan Rubin, Environmental Protection Agency, Water, WH-585, Washington, DC 20460, 202 475-7311

RIN: 2040-AA74

2752. COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 220 to 229

EPA—CWA

Proposed Rule Stage

Legal Deadline: None.

Abstract: These amendments are necessary to clarify the existing regulations, incorporate program experience, and respond to statutory amendments and the results of two lawsuits. Those lawsuits are the City of New York decision (543 F. Supp.1084), which involved the consideration of the need for ocean dumping and availability and impacts of land-based alternatives, and NWF v. Costle decision (629 F. 2d 118), which involved dredged material issues. Among other things, the statutory amendments to be addressed in the Regulatory Revisions include provisions applicable to the ocean disposal of low-level radioactive waste. Significant impacts on small entities (i.e., small business and small governmental jurisdictions) seem unlikely.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	01/00/89	

Small Entity: No

Additional Information: SAR No. 2189.

FTS: 8-475-7126

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, **202 475-7126**

RIN: 2040-AA78

2753. GENERAL PRETREATMENT REGULATIONS - MODIFICATIONS TO ADDRESS RECOMMENDATIONS OF THE DOMESTIC SEWAGE STUDY

Significance: Regulatory Program

Legal Authority: 42 USC 6939 / RCRA 3018

CFR Citation: 40 CFR 403

Legal Deadline: Statutory, August 1987.

Abstract: The Agency plans to prepare proposed changes to the General Pretreatment Regulations that address: specific and general discharge prohibitions; controls on spills and batch dischargers and dischargers by liquid waste haulers; industrial user notification requirements; and local limits. These changes will be responsive to the recommendations of the Domestic Sewage Study submitted to Congress February 8, 1986 and are to improve the control of hazardous wastes discharged through sewers to publicly-owned treatment works.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2342.

FTS 8-475-9534.

Agency Contact: Marilyn Goode, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9534**

RIN: 2040-AA99

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Final Rule Stage

2754. GUIDELINES FOR CLASSIFYING GROUND WATER UNDER THE EPA GROUND WATER PROTECTION STRATEGY

Significance: Regulatory Program

Legal Authority: None

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: In August 1984, EPA issued Groundwater Protection Strategy to provide objectives to guide the Agency's efforts to protect ground water. The strategy incorporated views of State and local governments, industry, a broad-cross section of public-interest groups, and other Federal agencies who had been invited to comment on the development of the strategy. One of the major factors toward the development of the strategy was the need to achieve greater consistency among the many EPA programs in protecting ground water and the need to take into account its value and vulnerability in developing protection and cleanup approaches. These guidelines are designed to provide operational definitions for assisting in implementing such a differential protection approach. The Agency published draft final guidelines and solicited public comment through March 1987. The Agency will finalize the guidelines based on comments received.

Timetable:

Action	Date	FR Cite
Draft Guidelines	12/03/86	51 FR 43664
Final Guidelines	11/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2300.

FTS: 8-382-7077.

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, Washington, DC 20460, (WH-550G), **202 382-7077**

RIN: 2040-AA85

2755. ● WATER QUALITY PLANNING AND MANAGEMENT GRANTS FOR INDIAN TRIBES

Legal Authority: 42 USC 1324 /CWA 314

CFR Citation: 40 CFR 35; 40 CFR 130

Legal Deadline: Statutory, August 1988.

Abstract: Treatment of Indian Tribes as States for Section 106, 205(j), 314 and 319 of the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/88	

Small Entity: Not Applicable

Additional Information:

FTS:8-475-8637

Agency Contact: Patricia Morris, Environmental Protection Agency, Water, (WH-586), Washington, DC 20460, **202 475-8637**

RIN: 2040-AB35

2756. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1361 / CWA 201

CFR Citation: 40 CFR 35, Appendix A

Legal Deadline: None.

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17,

EPA—CWA **Final Rule Stage**

1984. This rule updates these regulations pursuant to the Water Quality Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM - Previous	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Interim Final Rule Revised	02/17/84	49 FR 6224
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-7256.

Agency Contact: Geoffery Cooper, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, **202 382-2287**

RIN: 2040-AA70

2757. ● COMPREHENSIVE CONSTRUCTION GRANT REVISION

Significance: Regulatory Program

Legal Authority: 33 USC 1281 / CWA 201; 33 USC 1377; 33 USC 1381

CFR Citation: 40 CFR 35

Legal Deadline: Statutory, August 5, 1988. Deadline applies only to amendment to 40 CFR Part 35, Subpart J to implement Indian provisions of WQA of 1987.

Abstract: This regulation will amend existing regulations to implement the Water Quality Act of 1987 that amended portions of the construction grants program, provided for grants to Indian Tribes under a national set-aside, and may include, as needed regulations to implement a new Title VI to the CWA for capitalization grants to states for state ban programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/88	
Final Action	03/00/89	
Final Action Effective	05/00/89	

Small Entity: No

Additional Information:

FTS: 8-382-2287

Government Levels Affected: Local, State

Agency Contact: Geoffery Cooper, Environmental Protection Agency, Water, WH-546, Washington, DC 20460, **202 382-2287**

RIN: 2040-AB25

2758. EFFLUENT GUIDELINES FOR ORGANIC CHEMICALS AND PLASTICS AND SYNTHETIC FIBERS

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1461 / CWA 501

CFR Citation: 40 CFR 414; 40 CFR 416

Legal Deadline: Judicial, August 31, 1987.

Abstract: The Agency will promulgate BPT, BCT, BAT, NSPS and pretreatment standards for the organic chemicals portion of this industry (SIC 2865, 2869). Pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. EPA is also promulgating BPT, BAT, BCT, NSPS, and pretreatment standards for the plastics and synthetics portion of this industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, acrolein, ethylbenzene, vinyl chloride, and metals. A notice of availability and request for comments announced the availability of technical and economic data and related documentation received after proposal.

Timetable:

Action	Date	FR Cite
NPRM	03/21/83	48 FR 11828
Notice	08/29/84	48 FR 34295
Notice	05/15/85	50 FR 20290
Notice of New Data	07/17/85	50 FR 29068
NOTICE	10/11/85	50 FR 41528
Final Action	10/00/87	

Small Entity: Yes

Additional Information: SAR No. 1415.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA

Agency Contact: E.H. Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7190**

RIN: 2040-AA05

2759. EFFLUENT GUIDELINES FOR PHARMACEUTICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None.

Abstract: EPA has promulgated final BPT, BAT, NSPS, PSES and PSNS effluent limitations and standards for the pharmaceutical manufacturing point source category. Additionally, the Agency may promulgate NSPS regulations to control the discharge of conventional pollutants from new source direct dischargers. BCT limitations have been established based on the final BCT cost test methodology (51 FR 24974). The Agency will also finalize BAT and NSPS regulations to control the discharge of the nonconventional pollutant, COD, at a later time.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
NPRM NSPS	10/27/83	48 FR 49832
Final Action	10/27/83	48 FR 49808
NOTICE	11/01/83	48 FR 50322
NOTICE	01/10/84	49 FR 1190
NPRM BCT Cost	03/09/84	49 FR 8967
NOTICE	04/26/84	49 FR 17978
NOTICE New Data	07/02/84	49 FR 27145
NOTICE	01/31/85	50 FR 4513
NOTICE	05/01/85	50 FR 18486
NOTICE New Data	09/09/85	50 FR 36638
Next Action Undetermined (BCT)		
Final Action 12/16/86 (51 FR 45094)		

Small Entity: No

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7182**

RIN: 2040-AA13

2760. EFFLUENT GUIDELINES FOR GUM AND WOOD (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 454

Legal Deadline: None.

Abstract: The Agency will promulgate BPT for subcategories A through F (promulgated as interim final on May 18, 1976 and subcategory G proposed November 29, 1979). NSPS regulations for four subcategories will also be promulgated, as proposed on November 29, 1979. All seven subcategories of the gum and wood chemicals industry (proposed in 1979), have been excluded from toxic pollutant control under authority of the NRDC/EPA settlement agreement (Paragraph 8). Therefore, BAT and pretreatment standards for new and existing sources (proposed in November 1979) will be withdrawn. The Agency will publish guidance describing wastewater treatment alternatives, and the bases for the exclusion of BAT and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/79	44 FR 68710
SUBCATEGORY G	11/29/79	44 FR 68710
Final Action	06/00/88	
Notice of Availability - Guidance Document	07/00/88	

SUBCATEGORIES A-F
Interim Final Rule 07/18/76 (41 FR 20511)

WITHDRAWAL (BAT/PRETREATMENT)
NOTICE 06/00/88

Small Entity: Undetermined

Additional Information: SAR No. 1425.

FTS:8-382-7186.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Richard E. Williams, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7186**

RIN: 2040-AA17

2761. EFFLUENT GUIDELINES FOR PULP, PAPER, AND PAPERBOARD (PCB'S) (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: None.

Abstract: EPA promulgated effluent limitations guidelines and standards for BPT, BAT, NSPS and PSES for the pulp, paper and paperboard point source category (ro CFR 430) including builder's paper and board mills (40 CFR 431). The final BCT methodology was published on July 9, 1986 and EPA promulgated final BCT regulations for the pulp, paper and paperboard point source category on December 17, 1986 (51 CFR 45232). The Agency may promulgate PCB regulations for the fine and tissue paper sector of the de-ink subcategory and BOD5 limitations for the acetate grade production in the dissolving sulfite pulp subcategory.

Timetable:

Action	Date	FR Cite
NPRM	01/06/81	46 FR 1430
Final Action	11/18/82	47 FR 52006
Notice	01/21/83	48 FR 2804
Notice	03/30/83	48 FR 13176
Final Action	07/08/83	48 FR 31414
Notice	10/16/84	49 FR 40546

Next Action Undetermined
(BCT)
Final Action 12/17/86 (51 FR 45232)
(BOD5/Acetate)
NPRM 03/12/80 (45 FR 15952)
(PCB)
NPRM 11/18/82 (47 FR 52066)

Small Entity: Undetermined

Additional Information: SAR No. 1969.

FTS:8-382-7137.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Thomas O'Farrell, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7137**

RIN: 2040-AA63

2762. EFFLUENT GUIDELINES FOR ORE MINING AND DRESSING (PLACER MINING)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 144.103; 40 CFR 144.104; 40 CFR 440.142; 40 CFR 440.144; 40 CFR 440.143; 40 CFR 440.145

Legal Deadline: Judicial, October 30, 1987.

Abstract: The Agency is developing BPT, BCT, BAT and NSPS for mines and mills that beneficiate gold ores by gravity separation methods. These methods include mining of placer deposits, dredge mining, and hydraulic mining operations. These limitations will apply to wastewater generated by these operations and are an addition to those Ore Mining and Dressing subcategories for which final regulations were issued on December 3, 1982. During the month of September, the Agency will file a motion for modification of the Consent Decree to extend the date for promulgation.

Timetable:

Action	Date	FR Cite
NPRM	11/20/85	50 FR 47982
Notice new data	02/14/86	51 FR 5563
Notice	04/10/86	51 FR 12344
Notice	03/24/87	52 FR 9414
Final Action	04/00/88	

Small Entity: Yes

Additional Information: SAR No. 1413.

FTS 8-382-7191.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Willis E. Umholtz, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7191**

RIN: 2040-AA65

2763. EFFLUENT GUIDELINES FOR LEATHER TANNING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 425

Legal Deadline: None.

Abstract: In response to a Settlement Agreement with the Tanners' Council of America (December 11, 1984), the Agency will propose and promulgate amendments to existing regulations which limit the discharge of toxic pollutants to U.S. waters and publicly owned treatment works by the leather tanning and finishing industry.

Timetable:

Action	Date	FR Cite
NPRM	01/21/87	52 FR 2370
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 1409.

FTS: 8-382-7146.

Agency Contact: Rexford R. Gile, Jr., Environmental Protection Agency,

Water, (WH-552), Washington, DC 20460, 202 382-7146

RIN: 2040-AA91

2764. EFFLUENT GUIDELINES FOR NONFERROUS METALS: (PHASE I) (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None.

Abstract: In response to Settlement Agreements, the Agency promulgated amendments to the regulations previously issued on 3/8/84 (49 FR 8742). The first portion of these amendments is in response to a Settlement Agreement (11/27/85) affecting the primary and secondary aluminum subcategories. The recently promulgated amendments for this segment include regulations for BAT, pretreatment, and new source standards to limit the discharge of pollutants from facilities in these subcategories. In response to separate Settlement 6/26/85, EPA will promulgate amendments for the primary tungsten subcategory. These amendments addressed limitations for BPT, BAT, pretreatment and new source standards to limit the discharge of pollutants from facilities in this subcategory.

Timetable:

Action	Date	FR Cite
NPRM	02/17/83	48 FR 7032
Final Action	03/08/84	49 FR 8742
NOTICE	06/29/84	49 FR 26738
NOTICE	07/24/84	49 FR 29792
NOTICE	03/28/85	50 FR 12252
Primary and Secondary Aluminum		
NOTICE 05/20/86 (51 FR 18530)		
NOTICE 07/07/87 (52 FR 25552)		
Primary Tungsten		
NOTICE 01/22/87 (52 FR 2480)		
NOTICE FINAL 11/00/87		

Small Entity: No

Additional Information: SAR No. 1410.

FTS: 8-382-7126

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Ernest P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, D.C. 20460, 202 382-7126

RIN: 2040-AA96

2765. ● EFFLUENT GUIDELINES FOR NONFERROUS METALS FORMING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1341 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 471

Legal Deadline: None.

Abstract: In response to settlement agreements, the Agency will propose and promulgate amendments to the regulation previously promulgated on August 23, 1985 (50 FR 34242). These amendments are in response to settlements arrived with two petitioners and will affect two subcategories: the nickel-cobalt forming subcategory, and zirconium-hafnium subcategory. The amendments will revise BPT, BAT, NSPS and pretreatment standards to limit the discharge of pollutants from these subcategories.

Timetable:

Action	Date	FR Cite
NPRM	03/06/84	49 FR 8112
NPRM Comment Period End	08/23/85	50 FR 34242
Final Action	12/00/88	

Small Entity: No

Additional Information:

FTS: 8-382-7126

Government Levels Affected: Local, State, Federal

Agency Contact: Ernest P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7126

RIN: 2040-AB30

2766. ● EFFLUENT GUIDELINES FOR ALUMINUM FORMING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 467

Legal Deadline: None.

Abstract: In response to settlement agreements, the Agency has proposed and will promulgate amendments to the regulation previously promulgated on October 24, 2983 (48 FR 49126). These amendments are in response to settlements arrived at with two groups of petitioners and will affect two subcategories: the extrusion subcategory, and forging subcategory. The amendments will revise BAT, and pretreatment standards to limit the discharge of pollutants from these subcategories.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 5262
Final Action	10/24/83	48 FR 49126
NPRM Comment Period End	03/19/86	51 FR 9618
Final Action	01/00/88	

Small Entity: Undetermined

Additional Information:

FTS:8-382-7126

Government Levels Affected: Local, State, Federal

Agency Contact: Ernest P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7126

RIN: 2040-AB33

2767. GENERAL PRETREATMENT REGULATIONS: REMOVAL CREDITS (REVISION)

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403.7

Legal Deadline: None.

Abstract: The Agency is preparing revisions to the removal credits provisions of the General Pretreatment Regulations. These revisions will address the Third Circuit Court of Appeals decision overturning portions of the removal credits provision promulgated on August 3, 1984 and remanding the rule to the Agency.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 1866.

FTS:8-475-9533

Agency Contact: Craig Jakubowics, Environmental Protection Agency, Water, EN-336, 202 475-9533

RIN: 2040-AB02

EPA—CWA

Final Rule Stage

2768. DISCHARGE OF OIL (REVISION)

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 110

Legal Deadline: None.

Abstract: This regulation defines harmful quantities of oil for purposes of section 18(m)(3) of the Deepwater Port Act of 1974 and incorporates the 1977, 1978 and 1980 amendments to section 311 of the Clean Water Act (CWA). Generally, this action extends reporting requirements for oil spills beyond the continuous zone to ocean waters and provides for an exemption from section 311 for oil discharges covered under MARPOL and section 402 of the CWA.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9776
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 1579.

For information call the RCRA/Superfund Hotline (800-424-9346); in D.C. Metropolitan Area (382-3000).

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-2463

RIN: 2040-AA48

2769. HAZARDOUS SUBSTANCES POLLUTION PREVENTION FOR FACILITIES SUBJECT TO PERMITTING REQUIREMENTS OF SECTION 402

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 151

Legal Deadline: None.

Abstract: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	09/01/78	43 FR 39276
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1451.

FTS:8-382-3000. RCRA/CERCLA Hotline 800-424-9346

Agency Contact: John Riley, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-2190

RIN: 2050-AC33

2770. GENERAL PRETREATMENT REGULATIONS: RESPONSE TO PIRT (REVISION)

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403

Legal Deadline: None.

Abstract: Revisions to the General Pretreatment Regulations will be proposed to address final recommendations of the Pretreatment Implementation Review Task Force (PIRT) and the need for other adjustments to the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21454
Final Action	01/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2212.

FTS: 8-475-7054.

Agency Contact: Tom Laverty, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-7054

RIN: 2040-AA81

2771. SECTION 404 STATE PROGRAM REGULATIONS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 / CWA 404

CFR Citation: 40 CFR 124; 40 CFR 232; 40 CFR 233

Legal Deadline: None.

Abstract: Under Section 404(g) of the Clean Water Act, EPA is responsible for approving and overseeing assumption of the 404 "dredge and fill" program by States. In response to comments from the States, EPA is revising its State program regulations (formerly part of the Consolidated Permit Regulations), to provide increased incentives and simplified procedures for State assumption of the Section 404 program.

Timetable:

Action	Date	FR Cite
NPRM	10/02/84	49 FR 39012

Next Action Undetermined

Small Entity: No

Additional Information: SAR No. 1973.

FTS: 8-382-5043.

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Administration and Resource Management, Office of Wetlands Protection, (A-104), Washington, DC 20460, 202 382-5043

RIN: 2030-AA00

2772. OCEAN INCINERATION REGULATION (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1410 / MPRSA

CFR Citation: 40 CFR 220; 40 CFR 227; 40 CFR 228; 40 CFR 234

Legal Deadline: None.

Abstract: The Agency plans to provide specific permitting regulations for the ocean incineration of liquid hazardous and nonhazardous wastes. These regulations will be an independent part of the Ocean Dumping Regulations. The existing Ocean Dumping Regulations provide no specific criteria or standards for the review of ocean incineration permit applications.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8222
Final Action	01/00/88	

Small Entity: No

Additional Information: SAR No. 2140.

FTS: 8-382-7166.

Agency Contact: Darrell Brown, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 382-7166

RIN: 2040-AA72

EPA—CWA — **Final Rule Stage**

2773. ● OCEAN INCINERATION SITE EVALUATION, SOLICITATION, AND DESIGNATION

Legal Authority: 33 USC 1410 /MPRSA

CFR Citation: 40 CFR 228; 40 CFR 234

Legal Deadline: None.

Abstract: This action is a finalization of a portion of the ocean incineration regulation, which was proposed on February 28, 1985. This rule provides specific criteria for evaluating candidate sites, selecting specific sites and establishes the procedures for designating and listing sites for use after issuance of and under the terms of an ocean incineration permit. Designation of sites is a prerequisite to issuance of a permit for use of a site. Promulgation of this rule will allow the Agency to begin the lengthy process of site evaluation, selection and designation.

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: Not Applicable

Additional Information:

FTS:8:382-7166

Agency Contact: Darrell Brown, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, **202 382-7166**

RIN: 2040-AB28

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Completed Actions

2774. EFFLUENT GUIDELINES FOR RUBBER PROCESSING (REVISION)

CFR Citation: 40 CFR 428

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/87	

Small Entity: Undetermined

Agency Contact: J. S. Vitalis 202 382-7172

RIN: 2040-AA42

2775. EFFLUENT GUIDELINES FOR PLASTICS MOLDING AND FORMING (PHTHALATES)

CFR Citation: 40 CFR 463

Completed:

Reason	Date	FR Cite
Withdrawn	08/27/87	

Small Entity: No

Agency Contact: Robert M. Southworth 202 382-7150

RIN: 2040-AA77

2776. EFFLUENT GUIDELINES FOR COPPER FORMING (REVISION)

CFR Citation: 40 CFR 468

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/87	

Small Entity: Undetermined

Agency Contact: Jan Goodwin 202 382-7152

RIN: 2040-AA93

2777. GENERAL PRETREATMENT REGULATIONS: DEFINITIONS FOR PASSTHROUGH AND INTERFERENCE (REVISION)

CFR Citation: 40 CFR 403

Completed:

Reason	Date	FR Cite
Final Action	01/14/87	52 FR 1586

Small Entity: No

Agency Contact: Debra Clovis 202 475-9520

RIN: 2040-AA46

2778. WATER QUALITY PLANNING AND MANAGEMENT STANDARDS (REVISION)

CFR Citation: 40 CFR 130

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/87	

Small Entity: No

Agency Contact: Ed Richards 202 382-7160

RIN: 2040-AB19

2779. INCINERATION-AT-SEA SITE DESIGNATIONS (NORTH ATLANTIC AND PACIFIC)

CFR Citation: 40 CFR 234

Completed:

Reason	Date	FR Cite
No Action Expected in Next Six Months	08/27/87	

Small Entity: Undetermined

Agency Contact: Tudor Davies 202 382-7166

RIN: 2040-AA88

2780. IMPLEMENTATION OF RCRA CORRECTIVE ACTION FOR POTWS

CFR Citation: 40 CFR 270.60(c)

Completed:

Reason	Date	FR Cite
Postponed indefinitely	08/27/87	

Small Entity: Undetermined

Agency Contact: Gary Cohen 202 475-7050

RIN: 2040-AB00

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Proposed Rule Stage

2781. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: 40 CFR 193

Legal Deadline: None.

Abstract: The Agency intends to set generally applicable standards for the management and disposal of low-level radioactive wastes, possibly to include some natural and accelerator produced radioactive wastes. The Agency is considering criteria for declaring certain wastes as below regulatory concern as part of this activity.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	01/00/88	
Final Action	05/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 1727.

FTS:8-475-9633.

Agency Contact: James M. Gruhlke, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9633

RIN: 2060-AA04

2782. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201 / AEA 274; 42 USC 2021 / AEA 274

CFR Citation: 40 CFR 194

Legal Deadline: None.

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22264
NPRM	05/00/89	
Final Action	05/00/91	

Small Entity: Undetermined

Additional Information: SAR No. 2073.

FTS: 8-475-9620.

Analysis: Regulatory Impact Analysis

Agency Contact: Stanley Lichtman, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9620

RIN: 2060-AB31

2783. ● ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Legal Authority: 42 USC 2021(h) / AEA 274(h)

CFR Citation: 40 CFR 191

Legal Deadline: None.

Abstract: On August 15, 1987, the Agency promulgated generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. These Standards applied to management and disposal of such materials generated by activities under the jurisdiction of the Department of Energy or regulated by the Nuclear Regulatory Commission. They established limits for the release of radioactive materials to the environmental, several petitions for review were filed and consolidated in the U.S. Court of Appeals for the First Circuit. On July 17, 1987, the Court vacated and remanded the Standards to the Agency for revision consistent with its ruling.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information:

FTS: 8-475-9633

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9633

RIN: 2060-AC30

2784. GROUND WATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Legal Authority: 42 USC 2022(a) / AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None.

Abstract: The Tenth Circuit Court of Appeals has remanded the ground water standards as 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 1166.

FTS:8-475-9620

Agency Contact: Kurt Feldmann, Environmental Protection Agency, Air and Radiation, ANR-460, 202 475-9620

RIN: 2060-AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Final Rule Stage

2785. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Interim recommendations to Federal Agencies will establish dose rate limits for people exposed to transuranium elements in the general environment. These recommendations are in the process of internal and interagency reviews. al Radioactivity.

EPA—AEA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: SAR No. 1162.

FTS:8-475-9600.

Agency Contact: Gordon Burley, Environmental Protection Agency, Air and Radiation, (ANR-458), Washington, DC 20460, **202 475-9600**

RIN: 2060-AA01

2786. RADIOFREQUENCY RADIATION GUIDANCE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which may pose a potential health risk.The Agency has delayed this project in order to extend the comment period on the NPRM as requested by several Federal and industry organizations.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57338
NPRM	07/30/86	51 FR 27318
Final Action	07/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 1525.

FTS: 8-475-9626.

Background Information Reports: a) Biological Effects of Radiofrequency Radiation, b) the Radiofrequency Radiation Environment, c) Analysis of the Radiofrequency Fields Produced by Broadcast Antennas, and d) Analysis of Economic Impact of Federal Radiation Protection Guidance (to Limit Exposure of the Public to Radiofrequency Radiation).

Agency Contact: David E. Janes, Environmental Protection Agency, Air and Radiation, (ANR-461), Washington, DC 20460, **202 475-9626**

RIN: 2060-AA02

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Proposed Rule Stage

2787. INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

Legal Authority: 42 USC 300 /SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Statutory, December 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorizes the EPA Administrator to treat Indian tribes as States, where appropriate. EPA is to issue associated regulations by eighteen months after the date of enactment (signed June 19, 1986). The Indian rule for the Wellhead Protection and Sole Source Aquifer Demonstration Programs will allow Indian tribes to apply for these two grant programs, treating them as States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2440.

FTS:8-382-7077

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, **202 382-7077**

RIN: 2040-AB18

2788. UNDERGROUND INJECTION CONTROL PROGRAM: HAZARDOUS WASTE DISPOSAL INJECTION RESTRICTIONS; AMENDMENTS TO TECHNICAL REQUIREMENTS FOR CLASS I HAZARDOUS WASTE INJECTION WELLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 300f et seq; 42 USC 6901 et seq

CFR Citation: 40 CFR 124; 40 CFR 144; 40 CFR 146; 40 CFR 148

Legal Deadline: Statutory, August 8, 1988.

Abstract: This action proposes to amend the regulations governing the underground injection of hazardous wastes in two major areas. Additions to Part 146 propose to impose stricter standards on the construction and operating requirements applicable to owners and operators of Class I hazardous waste wells. New Part 148 would codify the EPA's regulatory framework for implementing the land disposal restrictions that are directly applicable to injection wells. Amendments to Parts 124 and 144 modify administrative procedures that applicable to Class I wells.

Timetable:

Action	Date	FR Cite
NPRM	08/25/87	52 FR 32446
Public Hearing	09/21/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	
Final Action Effective	02/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2254.

FTS:8-382-5508

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: John Atcheson, Environmental Protection Agency, Water, Office of Drinking Water, WH-550-A, **202 382-5508**

RIN: 2040-AB03

2789. ● REVISION TO PUBLIC WATER SYSTEM SUPERVISION (PWSS) STATE PRIMACY REQUIREMENTS

Legal Authority: 42 USC 300 /SDWA 1417

CFR Citation: 40 CFR 142

Legal Deadline: None.

Abstract: The regulation revision will set the requirements, application procedures, and administrative process

for submission of State program revisions for EPA review and approval. The existing primacy regulations apply only to the process for initial primacy (i.e., primacy for drinking water regulations in place at the time the State initially receives primacy). This revision will identify what the States will have to do to receive primacy for specific drinking water regulations as they are promulgated.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	12/00/87	
Interim Final Rule	04/00/88	

Small Entity: No

Additional Information:

FTS:8-382-5522

Agency Contact: Carl Reeverts, Environmental Protection Agency, Water, WH-550-E, Washington, DC 20460, **202 382-5522**

RIN: 2040-AB26

2790. ● AMENDMENTS TO UNDERGROUND INJECTION CONTROL PROGRAM

Legal Authority: 42 USC 300 /SDWA 1445

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None.

Abstract: Amendments to the Underground Injection Control (UIC) Program will clarify the intent of the regulations covering authorization-by-rule requirement at 40 CFR Part 144 Subpart C will be modified to clarify how existing injection wells became authorized by rule and when injection is prohibited for failure to comply with authorization-by-rule requirements. Additionally EPA will propose amendments to the noncompliance and program reporting requirements at 40 CFR 144.S, to the mechanical integrity requirements at 40 CFR 144.28(f) and 144.51(p), definitions for the terms "convert" and "conversion". A new regulation to codify Sec. 1445(a)(1) of the Safe Drinking Water Act as it applies to the UIC program will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	09/00/88	

Small Entity: No

Additional Information:

FTS:8-382-5530

Analysis: Regulatory Flexibility Analysis

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, WH-550-E, Washington, DC 20460, **202 382-5530**

RIN: 2040-AB27

2791. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SYNTHETIC ORGANIC CHEMICALS AND INORGANIC CHEMICALS, MONITORING FOR UNREGULATED CONTAMINANTS

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1988.

Abstract: EPA is reproposing maximum contaminant level goals (MCLGs) and proposing National Primary Drinking Water Regulations (NPDWRs) for about 40 synthetic organic chemicals and inorganic chemicals. The NPDWRs consist of proposed maximum contaminants level (MCLs), as well as proposed monitoring, reporting, and public notification requirements for these compounds. This notice proposes the best available technology (BAT) upon which the MCLs are based and BAT for the purposes of issuing variances. In addition to the NPDWRs for the synthetic organic chemicals and organic chemicals, the notice proposes monitoring requirements for other synthetic organic chemicals which are not regulated by NPDWRs.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	11/13/85	50 FR 46936
NPRM MCLs	12/00/87	
Final Action	06/00/88	

Small Entity: Yes

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-7575**

RIN: 2040-AA55

2792. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1989.

Abstract: EPA will propose Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards for radionuclide in drinking water. These radionuclides include radium, uranium, radon, gross alpha, and gross beta and photon emitters.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM	09/30/86	51 FR 34836
NPRM	02/00/88	
Final Action	06/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2281.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-559), Washington, DC 20460, **202 382-7575**

RIN: 2040-AA94

2793. NATIONAL PRIMARY DRINKING WATER REGULATIONS: DISINFECTION, DISINFECTANTS AND DISINFECTION BY-PRODUCTS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1989.

Abstract: EPA will propose that all public water systems use disinfection treatment processes; variances will be available and variance criteria will be available. The Agency will propose MCLGs and MCLs for disinfectants and disinfection by-products.

EPA—SDWA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	01/00/91	

Small Entity: Undetermined

Additional Information: SAR No. 2340.

FTS: 8-382-7575

Agency Contact: Joseph A. Cotruvo, Environmental Protection Agency, Water, Water, WH-550D, 202 382-7575

RIN: 2040-AA97

2794. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and MCLs/Monitoring requirements for about 30 inorganic and organic chemicals specified in the SDWA.

Timetable:

MCLs

NPRM 09/00/88
Final Action 07/00/89

RMCLs

ANPRM 10/05/83 (48 FR 45502)
NPRM 11/13/85 (50 FR 16936)

Small Entity: Undetermined

Additional Information: SAR No. 2396.

FTS:8-382-7575

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, Water, WH-550D, 202 382-7575

RIN: 2040-AB11

2795. ● CRITERIA FOR FILTRATION OF SURFACE WATER AND PRIMARY DRINKING WATER REGULATIONS FOR MICROBIOLOGICAL CONTAMINANTS

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, December 19, 1987.

Abstract: EPA plans to establish regulations specifying criteria that States will use to determine which surface water systems will be required to install filtration. The regulations will also address performance criteria for filtration systems. The basis of the regulations is protection from potential disease caused by Giardia, viruses, and other pathogens. MCLGs and MCLs monitoring requirements will also be set for microbiological contaminants, such as total coliforms and turbidity.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	09/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2376.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, WH-550, 202 382-7575

RIN: 2040-AB24

2796. PUBLIC WATER SUPPLY SUPERVISION PROGRAM AND UNDERGROUND INJECTION CONTROL PROGRAM: ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

Legal Authority: 42 USC 300 / SDWA 1414

CFR Citation: 40 CFR 144; 40 CFR 148

Legal Deadline: None.

Abstract: EPA is required to promulgate regulations to describe procedures for the notice and opportunity for public hearing, and conference with primacy States concerning administrative orders under Section 1414(g) of the Safe Drinking Water Act. The Agency will also amend 40 CFR Part 22 to include PWS penalty assessments.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2381/(PWSS) SAR No. 1972/(UIC)

FTS:8-382-5558

Agency Contact: Don Olson, Environmental Protection Agency, Water, Water, WH-550, 202 382-5558

RIN: 2040-AB07

2797. PUBLIC WATER SYSTEM SUPERVISION PROGRAM: BAN ON LEAD IN PLUMBING

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Statutory, June 19, 1988.

Abstract: EPA is required to promulgate regulations, which implement statutory provision to prohibit use of lead solders, flux and pipes in the installation or repair of public water systems and plumbing connected to public water systems. The Rule will also require public notification by public water systems of potential lead contamination sources, health effects and mitigation measures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2378.

FTS:8-382-5526

Agency Contact: John Trax, Environmental Protection Agency, Water, Water, WH-550, 202 382-5526

RIN: 2040-AB05

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Final Rule Stage

2798. NATIONAL PRIMARY DRINKING WATER REGULATION: CONTAMINANTS IN DRINKING WATER THAT MAY REQUIRE REGULATION

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, January 1, 1988.

Abstract: A list of contaminants that may require regulation under the SDWA will be published. The Agency will then set Primary Drinking Water Regulations for any contaminant that may have any adverse effect upon the health of persons and which is known or anticipated to occur in public water systems. MCLGs and MCLs/Monitoring will be established for at least 25 of the contaminants on the list by January 1, 1991. Also, the Agency will determine which contaminants it will replace from the eighty-three contaminants that the SDWA lists for regulation. Seven substitutions are allowed. Those replaced will be put on the list of unregulated contaminants.

Timetable:

Action	Date	FR Cite
NPRM	07/08/87	52 FR 25720
NOTICE	07/08/87	52 FR 25720
Final Action	01/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2377.

FTS:8-382-7575

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, Water, WH-550D, **202 382-7575**

RIN: 2040-AB12

2799. PUBLIC WATER SUPPLY SUPERVISION PROGRAM: GENERAL PUBLIC NOTIFICATION REQUIREMENTS AND NEW LEAD PUBLIC NOTICE

Legal Authority: 42 USC 300 /SDWA 141/SDWA 1417

CFR Citation: 40 CFR 141; 40 CFR 142; 40 CFR 143

Legal Deadline: Statutory. Statutory, September 1987 (for general public notification)

Abstract: EPA is required to revise the regulations for notification of the public, in cases of violations of the Drinking Water regulations. The changes will allow different types and frequencies of notice, based on the severity and frequency of the violation. EPA is also required to issue new regulations to specify requirements for a public notice for the existence of lead materials in the delivery system.

Timetable:

Action	Date	FR Cite
NPRM	04/06/87	52 FR 10972
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 1756.

FTS:8-257-2815

Agency Contact: Ralph Langemeier, Environmental Protection Agency, Water, Region VII - Water Branch, EPA, Kansas City, Mo., **913 236-2815**

RIN: 2040-AB08

2800. UNDERGROUND INJECTION CONTROL PROGRAM: INDIAN LANDS

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 147

Legal Deadline: None.

Abstract: EPA is required to prescribe an Underground Injection Control (UIC) Program in States that do not have an approved UIC program. In addition, all Indian lands not under the jurisdiction of an approved State program must be covered by a Federal program. The program is to take into consideration the unique conditions and the Tribal concerns for each nation.

Timetable:

Action	Date	FR Cite
NPRM	05/11/87	52 FR 17684
Final Action	11/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2131.

FTS: 8-382-5558

Agency Contact: Donald M. Olson, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-5558**

RIN: 2040-AA76

2801. INDIAN PRIMACY REGULATION

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 142; 40 CFR 145; 40 CFR 35

Legal Deadline: Statutory, December 19, 1987.

Abstract: EPA is required to promulgate final regulations, specifying conditions, under which Indian Tribes may be treated as States, be delegated primacy enforcement authorities, and receive grants for both the Underground Injection Control and the Public Water System Supervision programs.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28112
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2383.

FTS:8-382-5555

Agency Contact: Al Havinga, Environmental Protection Agency, Water, Office of Drinking Water, WH-550D, **202 382-5555**

RIN: 2040-AB04

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Completed Actions

2802. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MAXIMUM CONTAMINANT LEVELS FOR VOLATILE ORGANIC CHEMICALS FOUND IN DRINKING WATER

Significance: Regulatory Program

CFR Citation: 40 CFR 141

Completed:

Reason	Date	FR Cite
Final Action	07/08/87	52 FR 25690

Small Entity: Undetermined

Agency Contact: Joseph Cotruvo 202 382-7575

RIN: 2040-AA53

2803. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MICROBIALS AND FILTRATION OF SURFACE DRINKING WATER SUPPLIES

Significance: Regulatory Program

CFR Citation: 40 CFR 141

Completed:

Reason	Date	FR Cite
Deleleted at agency request consultation - should be 2040-ab24 as in Reg Program	10/05/87	

Small Entity: Undetermined

Agency Contact: Joseph Cotruvo 202 382-7575

RIN: 2040-AB10

2804. UNDERGROUND INJECTION CONTROL PROGRAM: ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

CFR Citation: 40 CFR 144

Completed:

Reason	Date	FR Cite
Deleted This regulation was merged with RIN 2040-AB07.	09/00/87	

Small Entity: No

Agency Contact: Don Olson 202 382-5558

RIN: 2040-AB06

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Noise Control Act (NCA)

Final Rule Stage

2805. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905 / NCA 6(a)(1)

CFR Citation: 40 CFR 51

Legal Deadline: None.

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2046.

FTS: 8-382-7403

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: K.E. Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), 202 382-4996

RIN: 2060-AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Prerule Stage

2806. DETERMINATION ON WASTES FROM THE EXPLORATION, DEVELOPMENT ON PRODUCTION OF CRUDE OIL, NATURAL GAS, AND GEOTHERMAL ENERGY

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: Not yet determined

Legal Deadline: Statutory, June 30, 1988. Consent order 6/30/88

Abstract: EPA is presently conducting studies of drilling fluids, produced waters, and other wastes associated with the exploration, development, and production of oil, natural and gas, and geothermal energy. The studies are in response to section 8002(m) of RCRA and will culminate in a Report to Congress in December 1987. As required by RCRA section 3001(b)(2), the Agency shall, after public hearings and opportunity for comment, determine within 6 months of submitting the report, whether to promulgate regulations for these wastes.

Timetable:

Action	Date	FR Cite
Regulatory Determination	06/00/88	

Small Entity: Not Applicable

Additional Information: SAR No. 2449.

FTS: 8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid

Waste and Emergency Response, WH-565, Washington DC 20460, **202 382-3608**

RIN: 2050-AC08

2807. MANAGEMENT OF WASTE OIL AS HAZARDOUS WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6925 /RCRA 3005; 42 USC 6930 /RCRA 3010

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: Statutory, November 8, 1986.

Abstract: EPA has determined not to list recycled oil as a hazardous waste. Furthermore, the 11/19/86 notice 51 FR 41900 delineates the Agency's intention to pursue different strategies to control used oil which is to be recycled and use oil bound for disposal. Used oil bound for disposal will be regulated either under section 6 of TSCA or under a RCRA disposal listing. The 11/19/86 notice sets out schedules for both the TSCA and RCRA regulatory development strategies. The notice states that although some controls on recycling may be promulgated in the interim, comprehensive recycling management rules will not be issued until the disposal controls, under either TSCA or RCRA, are issued. The Agency does not have a more specific schedule for proposing these recycling regulations.

Timetable:

Regulatory Determination
NOTICE 11/00/87

Small Entity: Yes

Additional Information: SAR No. 2434.

FTS:8-382-7917

Docket No. 3014

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Hope Pillsbury, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-7917**

RIN: 2050-AC17

2808. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES- FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6991 /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Statutory, August 8, 1988.

Abstract: This regulation will establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM is being developed to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/87	
NPRM	12/00/88	
Final Action	08/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2465.

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC 20460, **202 382-7903**

RIN: 2050-AC15

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) Proposed Rule Stage

2809. MANDATORY INSPECTIONS OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6925 / RCRA 3007

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This action establishes requirements for mandatory inspections of treatment, storage, and disposal facilities for hazardous waste. The regulation establishes the manner, frequency, recordkeeping, and reporting of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2332.

FTS: 8-475-9315

Agency Contact: Susan Hodges, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, D.C. 20460, **202 475-9315**

RIN: 2050-AB59

2810. SOLID WASTE DISPOSAL FACILITY CRITERIA

Legal Authority: 42 USC 6907a / RCRA 1008a; 42 USC 6944 / RCRA 4004; 42 USC 6949 / RCRA 4010

CFR Citation: 40 CFR 257

Legal Deadline: Statutory, March 31, 1988.

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) require EPA, by March 31, 1987, to revise the subtitle D criteria for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators. In response to this statutory mandate, EPA is revising the subtitle D criteria for those facilities. At a minimum these criteria must include ground-water monitoring requirements, location restrictions, and corrective action requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	03/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2224.

FTS-382-4489

Analysis: Regulatory Impact Analysis

Agency Contact: Michael Flynn, Environmental Protection Agency, Solid

Waste and Emergency Response, (WH-565E), Washington, DC, 202 382-4489

RIN: 2050-AB21

2811. ● TEST METHODS FOR EVALUATING SOLID WASTE MANUAL SW846 - INCORPORATION BY REFERENCE AND MANDATORY GOOD LABORATORY PRACTICES

Legal Authority: 42 USC 6912 /RCRA 2002

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: This action proposes to update testing methods in the RCRA testing regulations to: a) permit persons to use the latest (3rd) edition of Test Methods for Evaluating Solid Waste (SW-846); and b) require that all testing conducted in support of the RCRA regulatory program follow minimum good laboratory practices and quality assurance procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2507

FTS:8-382-7458

Agency Contact: Denise Zabinski, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-7458

RIN: 2050-AC32

2812. SAMPLING AND ANALYSIS METHODS FOR WASTE TESTING

Legal Authority: 42 USC 6921 to 6925 / RCRA 3001 to 3005; 42 USC 6912 / RCRA 2002

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: This action deals with annual updates to the RCRA manual of approved test methods (Test Methods for Evaluating Solid Waste, SW-846). It adds additional approved methods and modifies the existing methods to reflect the latest available performance data.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2068.

FTS-8-382-7458.

Agency Contact: Denise Zabinski, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-7458

RIN: 2050-AA82

2813. ● CONCENTRATION-BASED RELISTING OF WASTES FROM CHLORINATED ALIPHATICS AND 2,4-D PESTICIDE INDUSTRIES

Legal Authority: 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: This action removes from regulation any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	01/00/89	

Small Entity: No

Additional Information: SAR No. 2482

FTS:8-475-6679

Agency Contact: Yvonne M. Garbe, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 475-6679

RIN: 2050-AC30

2814. ● CONCENTRATION-BASED RELISTING OF WASTES FROM EXPLOSIVES, INORGANIC CHEMICALS, AND IRON AND STEEL INDUSTRIES

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: This action removes from regulation any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	01/00/89	

Small Entity: No

Additional Information: SAR No. 2483

FTS:8-382-7392

Agency Contact: Wanda LeBleu-Biswas, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-7392

RIN: 2050-AC31

2815. GROUNDWATER MONITORING AT HAZARDOUS WASTE FACILITIES

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: This action will change the subpart F groundrules monitoring regulation. The following is a summary of the major changes:

o allow site-specific data for groundwater monitoring variances;

o allow flexibility in well installation requirements when access to waste management boundary is difficult;

o clarify definition of waste management area;

o allow a return to detection or compliance monitoring as appropriate;

o allow flexibility in schedules for submittal of information upon approval of Regional Administrator;

o require flow rate and direction determination upon change in ground water gradient;

o clarify monitoring authority of the uppermost aquifer; and

o clarify R.A.'s authority to allow monitoring of a subset of Appendix IX constituents.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 2277.

FTS-382-4685

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid

Waste and Emergency Response, (WH-565E), Washington, DC 20460, 202 382-4495

RIN: 2050-AB20

2816. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264.18

Legal Deadline: None.

Abstract: Section 3004(o)(7) of RCRA requires EPA to promulgate additional standards for the location of hazardous waste treatment, storage, and disposal facilities. Two location standards (floodplain and seismic restrictions) already exist at 40 CFR Part 264.18. Additional standards will specify criteria for the acceptable location of new and existing treatment, storage and disposal facilities.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	02/00/89	

Small Entity: Yes

Additional Information: SAR No. 2303.

FTS:8-382-4658.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, 202 382-4658

RIN: 2050-AB67

2817. RECEIPT OF NON-HAZARDOUS WASTE AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None.

Abstract: The current regulations require that closure of a hazardous waste unit begin after the final receipt of hazardous wastes. The proposed rule will identify the circumstances under which a unit that ceases to receive hazardous wastes may continue to accept non-hazardous wastes. Amendments will identify conditions for the subsequent use of a unit for non-hazardous waste management and coordination with other closure activities of a hazardous waste management facility. Portions of the closure requirements (Subpart G) will be amended in both parts 264 and 265. These changes will increase the flexibility in the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2487 (previously listed as SAR No. 2393)

FTS: 8-475-6725

Agency Contact: Sharon Frey, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, Washington, DC 20460, 202 475-6725

RIN: 2050-AB71

2818. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: These regulations set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, ground water and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations will be used to define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions on action.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2390.

FTS:8-382-4497

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, 202 382-4497

RIN: 2050-AB80

2819. METALS EMISSIONS AND PRODUCTS OF INCOMPLETE COMBUSTION (PICS) EMISSION CONTROLS FOR HAZARDOUS WASTE INCINERATORS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004, 3005

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: The incinerator standards of Subpart (O) of Part 264 will be strengthened by proposed additional controls on emissions of metals and residual organic compounds.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 2453.

Analysis: Regulatory Impact Analysis

Agency Contact: Marc Turgeon, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565A, Washington DC 20460, 202 475-6672

RIN: 2050-AB90

2820. LAND DISPOSAL RESTRICTIONS FOR SOIL AND DEBRIS CONTAINING HAZARDOUS WASTES

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Statutory, January 15, 1988.

Abstract: The Agency is investigating the need to set separate treatment standards for soil and debris containing hazardous wastes. By statute, these wastes do not become subject to the Land Disposal Restrictions Rule (51 FR 40572 and 52 FR 25760) for Solvents and Dioxins (RCRA 3004(e)) and the California List (RCRA 3004(d)) until 11/8/88. If necessary, the Agency will further subcategorize the waste streams to provide separate treatment standards applicable to such wastes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2461.

FTS:8-382-4770

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Stephen Weil, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562B, Washington, DC 20460, 202 382-4770

RIN: 2050-AC03

2821. PERMITTING EXPERIMENTAL FACILITIES CONDUCTING HAZARDOUS WASTE RESEARCH

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: This proposal establishes special permitting procedures for experimental facilities conducting research and development on the storage, treatment, or disposal of hazardous waste. The regulations would allow experimental facilities considerable flexibility in operating according to an approved research plan, without requiring frequent permit modifications as details of the research changed.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2439.

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, 202 382-7729

RIN: 2050-AC04

2822. LAND DISPOSAL RESTRICTIONS FOR FIRST THIRD OF SCHEDULED WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Statutory, November 8, 1988.

Abstract: This rule establishes land disposal restrictions decisions for the first group of wastes identified by the schedule. Submitted to the Congress and published May 28, 1986 (51 FR 19300). See related action in the final section.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2452.

Analysis: Regulatory Impact Analysis

Agency Contact: Stephen Weil, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562B, Washington DC 20460, 202 382-4770

RIN: 2050-AC13

2823. PERMIT MODIFICATIONS FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6925 /RCRA 3004 and 3005

CFR Citation: 40 CFR 270

Legal Deadline: None.

Abstract: This regulation will amend RCRA procedures (codified at 40 CFR 270.41 and 270.42) for modifying hazardous waste management permits. The rulemaking provides EPA, authorized states, and permittees more flexibility in modifying permits, particularly where modifications will increase public and environmental protection or facilitate compliance with new regulations. At the same time, the regulation will provide for improved public participation in the permit modifications. The rule is being developed through regulatory negotiation with representatives of EPA, the states, industry, and public interest groups. RIN 2050-AA37 has been combined with this action.

Timetable:

Action	Date	FR Cite
NPRM	09/23/87	52 FR 35838
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 1805.

FTS 8-382-2223

Agency Contact: Frank McAlister, Section Chief, Permits Policy Section, Permits Branch, Office of Solid Waste, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, Washington, DC 20460, 202 382-2223

RIN: 2050-AC22

2824. ● CORRECTIVE ACTION FOR RELEASES TO GROUNDWATER FROM REGULATED HAZARDOUS WASTE UNITS

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: These regulations will amend the technical and procedural requirements for conducting corrective action to clean up significant releases to groundwater from regulated hazardous waste units at operating, closed, or closing RCRA facilities. The regulations will be used to amend the structure of the program and the requirements for implementing remedial action, remedy selection and corrective measures. The requirements for regulated units will be amended to conform to the corrective action requirements for solid waste management units.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	01/00/89	

Small Entity: No

Additional Information: SAR No. 2503

FTS:8-382-4895

Analysis: Regulatory Impact Analysis

Agency Contact: Joanne Bahura, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565-E), Washington, DC 20460, 202 382-4895

RIN: 2050-AC28

2825. LIST (PHASE 2) OF HAZARDOUS CONSTITUENTS FOR GROUNDWATER MONITORING

Legal Authority: 42 USC 3251 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: The Appendix IX of 40 CFR Part 264 is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in groundwater monitoring. This proposed amendment would revise the Appendix IX list for the purposes of this use. This amendment would also create a new list for the first part (Detection Monitoring) of the ground water monitoring program. See the related action RIN 2050-AB27.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2435.

FTS: 475-7415

Agency Contact: Jerry Garman, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, Washington DC 20460, **202 475-7415**

RIN: 2050-AC05

2826. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None.

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions will be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as requirement for states to have administrative penalty authority.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2158.

FTS: 8-475-9325.

Agency Contact: David Levenstein, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, DC 20460, **202 475-9325**

RIN: 2050-AB01

2827. MINING WASTE MANAGEMENT UNDER RCRA SUBTITLE D

Significance: Regulatory Program

Legal Authority: 42 USC 6941 to 6949 /RCRA 4001-4009

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: Based on the mining waste Report to Congress submitted 12/31/85, comments on the report, and other available information, EPA has determined that regulation of mining waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA) is not warranted at this time (51 FR 24496). Instead, EPA plans to develop a program for mining waste under Subtitle D of RCRA, working with the States to determine the specific nature of their current mining waste activities and their future plans to administer such programs. EPA will also work with other Federal agencies (e.g., DOI, USGS) to avoid duplication.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	04/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 2389.

FTS: 8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565, **202 382-3608**

RIN: 2050-AB77

2828. GUIDELINES FOR CONTENT IN RE-REFINED OIL PROCURED BY THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 3251 / RCRA 6002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None.

Abstract: This action establishes the guidelines for the Federal procurement of re-refined waste lubricating oils and hydraulic fluids. This action will encourage the recovery of waste oil and reduce the environmental threat waste oil represents.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2257.

FTS-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Environmental Protection Agency, Washington, DC 20460, **202 382-4502**

RIN: 2050-AB53

2829. MINIMUM RECOVERED MATERIALS CONTENT IN PAPER AND PAPER PRODUCTS PROCURED BY THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 6962 /RCRA 6002

CFR Citation: 40 CFR 250

Legal Deadline: None.

Abstract: This action establishes recommended minimum levels of recovered materials in paper and paper products procured by the Federal government. The purpose of this action is to encourage the recovery of post-consumer recovered materials and reduce the volume of solid waste.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2433.

FTS:8-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, **202 382-4502**

RIN: 2050-AC18

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

2830. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(c) / RCRA 3004(c)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: Statutory, February 8, 1986.

Abstract: The Agency has proposed these regulations under the Hazardous and Solid Waste Amendment of 1984. The regulation will 1) minimize the placement of containers holding liquid hazardous waste and free liquids in hazardous waste landfills, 2) minimize the presence of free liquids in containers holding hazardous waste to be disposed of in landfills and 3) prohibit the use of absorbents that biodegrade or release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46824
Final Action	02/00/88	
Notice of Availability of Supplemental Information		
Notice 06/24/87 (52 FR 23695)		

Small Entity: No

Additional Information: SAR No. 2207.

FTS:8-382-4658

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, **202 382-4682**

RIN: 2050-AB12

2831. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: Statutory, 2/28/86 for wastes listed with (1); None for other wastes listed.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124. The Agency has suspended development of several actions; only the actions under development are listed in this agenda.

Timetable:

Chlorinated Aliphatic Compounds (SAR 1854)(1)
- NPRM 02/10/84 (49 FR 5313)
- Interim Final Rule 02/10/84 (49 FR 5308)
- Final Action 01/00/88

Coke By-Product Wastes (SAR 2227)(1)
- NPRM 10/00/88
- Final Action 00/00/00

Dimethylhydrazine (SAR 1954)(1)
- NPRM 12/20/84 (49 FR 49556)
- Final Action 01/00/89

Methyl Bromide (SAR 2157)(1)
- NPRM 04/25/85 (50 FR 16432)
- NPRM 04/25/85 (50 FR 16432)
- Final Action 04/00/88

Petroleum Refinery Fuel Oil Tank Bottoms (SAR 2458)
- NPRM 06/00/88
- Final Action 06/00/89

Petroleum Refinery Primary Treatment Sludge (SAR 2226)
- NPRM 11/12/80 (45 FR 74893)
- Final Action 11/00/88

Wood Preserving (SAR 2174)
- NPRM 03/00/88
- Final Action 03/00/89

Small Entity: No

Additional Information: Separate SAR numbers are indicated for each action.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in the Metropolitan Area (202-382-3000)

Agency Contact: RCRA Hotline, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, **800 424-9346**

RIN: 2050-AB46

2832. LANDFILL, SURFACE IMPOUNDMENT, AND WASTE PILE CLOSURES FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None.

Abstract: These regulations will provide an alternate closure option for EPA and authorized states to establish closure and post-closure requirements on a site-specific basis. The regulations address waste and site characteristics potential pathways of hazardous constituent migration, and health effects.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8712
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 2391.

FTS:8-475-8859

Agency Contact: Lauris Davies, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, **202 475-8859**

RIN: 2050-AB81

2833. ● CHANGES TO INTERIM STATUS AND PERMITTED FACILITIES FOR HAZARDOUS WASTE MANAGEMENT; PROCEDURES FOR POST-CLOSURE PERMITTING

Legal Authority: 42 USC 6912(a) /RCRA 2002(a); 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 265; 40 CFR 270; 40 CFR 271

Legal Deadline: None.

Abstract: These regulations will: (1) facilitate modifications at interim status facilities that are necessary to respond to RCRA requirements, (2) expedite Agency approval for permitted facilities to handle newly listed or identified hazardous wastes, and (3) allow the Agency to deny permits for the active life of a facility while a permit decision with respect to the post-closure period remains pending.

Timetable:

Action	Date	FR Cite
NPRM	08/14/87	52 FR 30570
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2398

FTS:8-382-4751

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC 20460, **202 382-4751**

RIN: 2050-AC29

2834. IDENTIFICATION OF HAZARDOUS WASTES BY TOXICITY CHARACTERISTIC AND LISTING OF ADDITIONAL ORGANIC TOXICANTS

Significance: Regulatory Program

EPA—RCRA

Final Rule Stage

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: Statutory, March 8, 1987. Statutory, November 8, 1986 for adding additional characteristics; March 8, 1987 for revising the extraction procedure.

Abstract: The EPA is proposing to amend its hazardous waste identification regulations by introducing a new extraction procedure to be used in the Toxicity Characteristic and by expanding the Toxicity Characteristic to include approximately 38 additional organic toxicants.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21648
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2062.

FTS-8-382-4770.

Analysis: RIA and RFA

Agency Contact: Deb Dobkowski, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-8551**

RIN: 2050-AA78

2835. HAZARDOUS WASTE MISCELLANEOUS UNITS

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 260; 40 CFR 270

Legal Deadline: None.

Abstract: General performance requirements will be established for hazardous waste management units that are not covered by 40 CFR Part 264, so that permits can be obtained. These types of facilities under Subpart X include deep mines, silos, salt mines, thermal treatment units, and open detonation units.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40726
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 1817.

Docket No. 3004.

FTS:8-382-4654update

Agency Contact: Kent Anderson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-4654**

RIN: 2050-AA23

2836. BURNING OF HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004, 3005

CFR Citation: 40 CFR 266

Legal Deadline: Statutory, November 8, 1986.

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish standards for controlling emissions of organic compounds, metals, and hydrogen chloride from boilers and industrial furnaces that burn hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16982
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 2078.

FTS-8-382-7917.

Contains previous RIN 2050-AA29.

Analysis: Regulatory Impact Analysis

Agency Contact: Dwight Hlustick, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, **202 382-7917**

RIN: 2050-AA72

2837. LINERS AND LEAK DETECTION FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 271

Legal Deadline: Statutory, May 8, 1987.

Abstract: EPA has proposed these regulations under the authority of section 3004(a) and 3004(o)(4) of the Resource Conservation and Recovery Act. The regulations will require: 1) new landfills, surface impoundments, waste piles, and land treatment units for the treatment, storage, or disposal of hazardous wastes to utilize an approved leak detection system; 2) double liners and leachate collection systems for waste piles, and certain landfills and surface impoundments; and 3) development of a construction quality assurance program for certain landfills and surface impoundments, as well as final covers at land treatment units.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20218
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 2080.

FTS-8-382-4496.

Includes previous RINs 2050-AA21, 2050-AA50, and 2050-AA52.

Analysis: Regulatory Impact Analysis

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, **202 382-4682**

RIN: 2050-AA76

2838. LIABILITY REQUIREMENTS FOR HAZARDOUS WASTE FACILITIES - CORPORATE GUARANTEE

Legal Authority: 42 USC 6901 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None.

Abstract: The Agency is authorizing use of a corporate guarantee as a mechanism for providing liability coverage for bodily injury and property damage resulting from accidental occurrences at hazardous waste treatment, storage, and disposal facilities. The corporate guarantee, though restricted to parent corporations of hazardous waste facility owners and operators, enables more firms to comply with liability coverage requirements because it is an additional mechanism to insurance and the financial test. See related action in the proposed rule section of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	08/25/85	50 FR 33902
Interim Final Rule	07/11/86	51 FR 25350
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2273.

FTS-382-4780.

Agency Contact: Carlos Lago, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563A), Washington, DC 20460, 202 382-4780

RIN: 2050-AB47

2839. CODIFICATION RULE FOR THE 1984 RCRA AMENDMENTS

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 260 to 271; 40 CFR 122 to 124

Legal Deadline: None.

Abstract: The purpose of this rule is to expand and elaborate on specific portions of the Final Codification Rule which was effective on July 15, 1985. The Final Codification Rule codified those requirements specified by the 1984 amendments to RCRA which were effective immediately or shortly after enactment. More specifically, this rule addresses such areas as corrective action for prior releases from solid waste management units, and permit modifications and post-closure permits.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 2187.

FTS 8-382-4497.

Analysis: Regulatory Impact Analysis

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, Washington, DC 20460, 202 382-4497

RIN: 2050-AB58

2840. DOUBLE LINER AND LEACHATE COLLECTION SYSTEMS FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(o) /RCRA 3004(o)

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 144

Legal Deadline: Statutory, November 8, 1986.

Abstract: This rule establishes minimum technology requirements (e.g., double liners and leachate collection systems) for new hazardous waste landfills and surface impoundments, as well as lateral expansions and replacements to existing landfills and surface impoundments. This rule will establish standards for these systems enabling unit owners and operators to design and construct systems that will protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Notice of Availability of Information	04/17/87	52 FR 12566
Final Action	06/03/88	

Small Entity: Undetermined

Additional Information: SAR No. 2388.

FTS: 8-382-4654

Agency Contact: Ken Skahn, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, 202 382-4654

RIN: 2050-AB76

2841. STATISTICAL METHODS FOR EVALUATING GROUNDWATER MONITORING DATA FROM HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: EPA previously promulgated regulations for detecting contamination of groundwater at hazardous waste disposal facilities under the Resource Conservation and Recovery Act of 1976 (RCRA). The statistical methods for evaluating the groundwater data have been criticized by industry for a number of reasons. EPA is proposing revisions to the regulations. See related action in this Agenda section.

Timetable:

Action	Date	FR Cite
ANPRM	08/20/86	51 FR 29812
NPRM	08/24/87	52 FR 31948
Final Action	06/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2436.

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, Washinton DC 20460, 202 382-4685

RIN: 2050-AB92

2842. LIABILITY REQUIREMENTS FOR HAZARDOUS WASTE FACILITIES - OTHER INSTRUMENTS

Legal Authority: 42 USC 6901 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None.

Abstract: The Agency is considering further revisions to the financial responsibility requirements for liability coverage for third- party bodily injury and property damage resulting from accidental occurrences at hazardous waste treatment, storage, and disposal facilities. The revisions under development are intended to provide relief for hazardous waste facility owners and operators who have encountered difficulties in obtaining insurance and cannot otherwise meet liability coverage requirements. Other instruments, such as a nonparent corporate guarantee, are being analyzed for inclusion in this rulemaking. See related action in the final rule section of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	08/25/85	50 FR 33902
NPRM	08/25/85	50 FR 33902
Interim Final Rule	04/00/88	
Final Action	04/00/89	

Small Entity: No

Additional Information: SAR No. 2460.

FTS:8-382-4780

Agency Contact: Carlos Lago, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-

563), Washington, DC 20460, **202 382-4780**

RIN: 2050-AC19

2843. PERMITTING MOBILE HAZARDOUS WASTE TREATMENT UNITS AND DELISTING HAZARDOUS WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 3005

CFR Citation: 40 CFR 260; 40 CFR 265; 40 CFR 270

Legal Deadline: None.

Abstract: This action responds to a petition submitted to EPA by the Hazardous Waste Treatment Council (HWTC). It establishes state-wide permitting procedures for mobile hazardous waste treatment units and modifies hazardous waste delisting procedures, so that hazardous waste treatment residues could be delisted as part of the permitting process. In addition, the petition response will solicit comment on HWTC's request that EPA exempt certain treatment technologies from the requirements for hazardous waste management.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20914
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR No. 2397.

FTS:8-382-4498

Agency Contact: Robin Anderson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC 20460, **202 382-4498**

RIN: 2050-AC20

2844. GUIDELINE FOR RECOVERED MATERIALS CONTENT IN PAPER PRODUCTS PROCURED BY THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 6962 / RCRA 6002

CFR Citation: 40 CFR 250

Legal Deadline: Statutory, March 8, 1985.

Abstract: This action establishes a guideline for the Federal procurement of paper and paper products made from recovered materials. The purpose of this action is to encourage the recovery of post- consumer recovered materials and reduce the volume of solid waste.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 14076
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 2011.

FTS: 8-382-4502.

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565 A), Washington, DC 20460, **202 382-4502**

RIN: 2050-AA68

2845. UNDERGROUND STORAGE TANKS - TECHNICAL REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6993(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Statutory. New and Existing Petroleum Tanks (02/08/87), New Chemical Tanks (08/08/87), Existing Chemical Tanks (08/08/88)

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for release detection, prevention, and corrective action all underground storage tanks holding petroleum and other regulated substances. Because of the large size of the regulated community, this rule could impact a significant number of small business entities and a Regulatory Flexibility Analysis would be conducted by EPA. Promulgation of this rule, will, for the first time, establish national requirements for storing regulated substances, including petroleum products, in underground tanks. It will not apply to underground tanks storing hazardous wastes, which are currently regulated under Subtitle C of RCRA. These regulations will include: performance standards for new tanks; address leak detection and upgrading of existing tanks; and specify response actions to releases.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12662
Final Action	05/00/88	

Small Entity: Yes

Additional Information: SAR No. 2202, 2221, and 2256.

FTS 8-382-7601

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA and RFA

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC20460, **202 382-7601**

RIN: 2050-AB19

2846. UNDERGROUND STORAGE TANKS - STATE PROGRAM APPROVAL

Legal Authority: 42 USC 6994(C) /RCRA 9004

CFR Citation: 40 CFR 281

Legal Deadline: None.

Abstract: The Hazardous and Solid Waste Amendments of l984 (HSWA) allow EPA to approve State underground storage tank programs to operate in lieu of the Federal program. This rule will establish the requirements for States to apply for the EPA approval of such State programs.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12853
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 2234.

FTS: 382-7601

Agency Contact: Gwen Gebhard, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC 20460, **202 382-7601**

RIN: 2050-AB31

2847. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Statutory, February 8, 1987.

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for owners and operators to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily

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injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank containing petroleum. These requirements are applicable to all owners and operators, excluding Federal and State entities. The Agency is proposing aggregate levels of coverage for multiple tanks and will allow a variety of mechanisms to provide evidence of financial responsibility.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 786
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2255.

FTS:8-382-7903

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Sammy Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC 20460, 202 382-7641

RIN: 2050-AB89

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) — Completed Actions

2848. RESTRICTION OF UNDERGROUND INJECTION OF CERTAIN HAZARDOUS WASTES

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn Agency is developing this under RIN 2040-AB03.	09/00/87	

Small Entity: Undetermined

Agency Contact: Francoise Brasier 202 382-5508

RIN: 2050-AB34

2849. CORRECTIVE ACTION FOR HAZARDOUS RELEASES AT FEDERAL FACILITIES

Significance: Regulatory Program

CFR Citation: 40 CFR 264; 40 CFR 271

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/87	

Small Entity: Not Applicable

Agency Contact: Paul Connor 202 382-2210

RIN: 2050-AB63

2850. VARIANCES FOR HAZARDOUS WASTE MANAGEMENT OF RADIOACTIVE MIXED WASTES

CFR Citation: 40 CFR 262; 40 CFR 265; 40 CFR 264; 40 CFR 270

Completed:

Reason	Date	FR Cite
Withdrawn Postponed Indefinitely	09/00/87	

Small Entity: No

Agency Contact: Betty Shackleford 202 382-2210

RIN: 2050-AB75

2851. SMALL QUANTITY GENERATOR ACCUMULATION TANKS FOR HAZARDOUS WASTE

CFR Citation: 40 CFR 262; 40 CFR 265

Completed:

Reason	Date	FR Cite
Withdrawn The Agency has suspended development at this time.	09/00/87	

Small Entity: Yes

Agency Contact: William Kline 202 382-7917

RIN: 2050-AB72

2852. CLASS PERMITS FOR STORING HAZARDOUS WASTES

CFR Citation: 40 CFR 270

Completed:

Reason	Date	FR Cite
Withdrawn The Agency has suspended development at this time.	09/00/87	

Small Entity: No

Agency Contact: Juan Baez-Martinez 202 382-7917

RIN: 2050-AA36

2853. FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION FOR CONTINUING RELEASES AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

CFR Citation: 40 CFR 264

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN:2050-AB80	09/00/87	

Small Entity: No

Agency Contact: Elizabeth Cotsworth 202 382-4761

RIN: 2050-AB22

2854. LIST (PHASE 1) OF HAZARDOUS CONSTITUENTS FOR GROUNDWATER MONITORING

Significance: Agency Priority

CFR Citation: 40 CFR 264; 40 CFR 270

Completed:

Reason	Date	FR Cite
Final Action	07/09/87	52 FR 25942

Small Entity: No

Agency Contact: Jerry Garman 202 475-7415

RIN: 2050-AB27

2855. LAND DISPOSAL RESTRICTIONS FOR CERTAIN HAZARDOUS WASTES - CALIFORNIA LIST

Significance: Regulatory Program

CFR Citation: 40 CFR 268

Completed:

Reason	Date	FR Cite
Final Action	07/08/87	52 FR 25760

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Completed Actions

Small Entity: Undetermined

Agency Contact: Stephen Weil 202 382-4770

RIN: 2050–AB65

2856. DEVELOPMENT OF CORRECTIVE ACTION PROGRAMS AFTER PERMITTING HAZARDOUS WASTE LAND DISPOSAL FACILITIES

CFR Citation: 40 CFR 270

Completed:

Reason	Date	FR Cite
Final Action	06/22/87	52 FR 23447

Small Entity: No

Agency Contact: George Faison 202 382-4422

RIN: 2050–AB74

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Prerule Stage

2857. REVIEW OF NAAQS FOR NITROGEN DIOXIDE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.11

Legal Deadline: Statutory, December 31, 1980. Statutory, Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the NO2 NAAQS was completed in June 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria doc. and staff paper	06/00/90	

Small Entity: No

Additional Information: SAR No. 1004.

FTS: 8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, N.C. 27711, **919 541-5656**

RIN: 2060–AC06

2858. REVIEW OF NAAQS FOR CARBON MONOXIDE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Statutory, December 31, 1980. Statutory, Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the CO NAAQS was completed in September 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria document and staff paper	09/00/90	

Small Entity: No

Additional Information: SAR No. 1001.

FTS: 8-629-5656

Analysis: Regulatory Impact Analysis

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC07

2859. ● SECONDARY NAAQS FOR PARTICULATE MATTER (FINE PARTICLES)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA, Section 108; 42 USC 7409 / CAA, Section 109

CFR Citation: 40 CFR 50.7

Legal Deadline: None.

Abstract: On July 1, 1987, EPA issued an ANPRM soliciting public comment on the development of a new secondary (welfare-based) NAAQS for fine particles (those particles less than 2.5 micrometers in aerodynamic diameter). This action represents a continuation of the review process for the secondary standards for particulate matter discussed by the Agency on March 20, 1984 (49 FR 10408). The principal welfare effect to be addressed by such a standard is impairment of visibility. Once the comments on the ANPRM have been evaluated, a schedule for further action will be developed.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24670
ANPRM Comment Period End	09/00/87	

Small Entity: No

Additional Information:

FTS: 8:629-5656

Analysis: Regulatory Impact Analysis

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC32

2860. NSPS: COAL PREPARATION PLANTS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, January 1980. First reviewed in 1980, four years after standards were promulgated. Second review was due in 1984.

Abstract: EPA is reviewing the standard to determine if revisions are warranted. The review will assess performance and costs of emission control systems at coal preparations plants as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	02/11/85	
End Review	01/00/88	

Small Entity: No

Additional Information: SAR No. 2387 FTS: 8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5602**

RIN: 2060-AB84

2861. NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS(REVIEW)

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1986.

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess performance and costs of asphalt processing an asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
End Review	06/00/88	

Small Entity: No

Additional Information: SAR No. 2430.

FTS:8-629-5425.

Agency Contact: Kenneth Durkee, Chief, Standards Documentation Section, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5425**

RIN: 2060-AC21

2862. ● NSPS: MUNICIPAL WASTE COMBUSTORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: The EPA has completed a preliminary assessment of air emissions from municipal waste combustors (MWC). Based on this assessment, EPA has concluded that MWC emissions may reasonably be anticipated to contribute to the endangerment of public health and welfare. As a result, EPA issued a notice in the Federal Register (52 FR 25399) that announces its intent to regulate emissions from new and modified MWC under Section 111(b). Pollutants to be regulated will include one or more designated pollutants (pollutants not regulated under Sections 108-110 or 112) thus invoking Section 111(d) which will require the issuance by EPA of existing source guidelines for use by States in the development of additional emissions standards for existing MWC.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/87	51 FR 13424
ANPRM Comment Period End	09/00/87	
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	12/00/90	

Small Entity: No

Additional Information:

FTS:8-629-5602

Government Levels Affected: Local

Agency Contact: Alfred E. Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 2771, **919 541-5602**

RIN: 2060-AC26

2863. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

Legal Authority: 42 USC 1857 et seq / CAA

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None.

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of these pollutants. The Agency will publish the decisions whether these pollutants should be controlled as a specified air pollutant under the Clean Air Act or other regulatory mechanisms in order to protect the public health.

Timetable:

Municipal Waste Combustor Emissions
Decision on Regulation 07/07/87 (52 FR 25399)

Naphthalene
Decision on Regulation 10/00/87

Propylene Oxide
Decision on Regulation 04/00/88

Zinc and Zinc Oxide
Decision on Regulation 09/00/87

Small Entity: Undetermined

Additional Information: SAR No. 2181.

FTS 8-629-5505.

Agency Contact: Kent Berry, Assistant Director, Strategies and Air Standards Division, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5505**

RIN: 2060-AB56

2864. NESHAPS: CADMIUM

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list cadmium under Section 112 (50 FR 42000). We are investigating emissions of cadmium and techniques that are available to control the emissions from identified source categories. If EPA decides that emission standards are warranted, cadmium will be listed under section 112, and EPA will develop proposed standards.

Timetable:

Action	Date	FR Cite
Decision on whether to regulate	04/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1869.

FTS:8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5602**

RIN: 2060-AB92

2865. FUEL AND FUEL ADDITIVE HEALTH EMISSIONS EFFECTS TESTING

Legal Authority: 42 USC 7545(e) / CAA 211(e)

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: Statutory, August 7, 1978.

Abstract: The CAA mandates that testing protocols be developed to address at a minimum, the possible carcinogenic, mutagenic, and teratogenic effects of fuels and fuel additives as well as their effect on emissions and emission control devices. This action would implement protocols for such testing, which would have to be performed prior to: 1) fuel or additive registration, and 2) introduction of the fuel or additive into

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the marketplace. Fuels and additives already registered or on sale would also have to undergo testing, as provided for by the CAA.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/89	

Small Entity: Yes

Additional Information: SAR No. 2365.

FTS:8-374-8408

Analysis: Regulatory Flexibility Analysis

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8408**

RIN: 2060-AC10

2866. DIESEL FUEL MODIFICATION

Significance: Regulatory Program

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: None.

Abstract: Trap oxidizers, the use of which may be required to meet 1991 and later model-year heavy duty diesel particulate standards, may require the use of low sulfur diesel fuels. In promulgating the particulate standard, EPA promised to examine the need for low-sulfur fuel. In addition, fuel sulfur and aromatics content have been shown to have a direct effect on particulate emissions. This action will determine the costs and benefits of improving diesel fuel quality.

Timetable:

Action	Date	FR Cite
Publish Study	04/00/88	
Workshop	05/00/88	

Small Entity: Yes

Additional Information: SAR No. 2366.

FTS:8-374-8339

Analysis: Regulatory Flexibility Analysis

Agency Contact: Richard Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060-AC11

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Proposed Rule Stage

2867. NAAQS FOR SULFUR OXIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Statutory, December 31, 1980. Statutory, Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur oxides. The Agency will revise the standards if and as appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	11/00/87	
Final Action	01/00/89	

Small Entity: No

Additional Information: SAR No. 1002.

Docket No. OAQPS-79-7.

FTS:8-629-5656.

Analysis: Regulatory Impact Analysis

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060-AA61

2868. NAAQS: LEAD

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.12

Legal Deadline: Statutory, December 1980. Statutory, Reviews due by December 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard. A staff paper is in preparation for review by the Clean Air Scientific Advisory Committee (CASAC).

Timetable:

Action	Date	FR Cite
CASAC Review	06/00/88	
NPRM	11/00/89	

Small Entity: No

Additional Information: SAR No. 1919.

FTS: 8-629-5656.

Analysis: Regulatory Impact Analysis

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060-AA95

2869. NAAQS: OZONE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.9

Legal Deadline: Statutory, December 31, 1980. Statutory, Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing health and welfare information which has become available since the last revision of the standard. In order to retain a unified regulatory review package in light of the emerging data base on health and welfare effects associated with longer-term averaging times, EPA has chosen to continue review of standards until such information is published and reviewed in the criteria document. The major issue is whether the new information will indicate that new standards with longer-term averaging times are required to protect public health and welfare.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 1920.

FTS: 8-629-5656.

REVIEW AUTHORITY: CAA 109.

Analysis: Regulatory Impact Analysis

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air

and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060-AA96

2870. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart OO

Legal Deadline: Statutory, August 1982.

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. Some small perchloroethylene facilities may be affected by this standard.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Decision on need for standard expected by	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060-AA14

2871. NSPS: SOLVENT DEGREASING (111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010). This action may impact any manufacturing operations that employ organic solvent cleaners to remove grease and oils from parts prior to assembly. Some new issues have arisen and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1695.

FTS:8-629-5624.

Analysis: RFA

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA33

2872. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982. Statutory - Promulgation due 8/00/82

Abstract: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5578.

Affected Sectors: Multiple

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA37

2873. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982.

Abstract: The scope of the Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million 1b/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI. Furthermore, production of these large-volume chemicals is expected to have the greatest impact on nationwide VOC emissions, since the magnitude of emissions from reactor process units are generally proportional to chemical production rates.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	01/00/89	

Small Entity: No

Additional Information: SAR No. 2164.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060-AB55

2874. NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Judicial, Judicial - NPRM, June 1, 1989, Final September 1, 1990

Abstract: The purpose of this action is to develop new source performance standards for small industrial-commercial-institutional boilers with heat input capacities of 100 millions Btu/hr or less.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	09/00/90	

Small Entity: Yes

Additional Information: SAR No. 2239.

FTS:8-629-5595

Analysis: Regulatory Flexibility Analysis

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB95

2875. NESHAP: ASBESTOS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: The asbestos NESHAP standard is being revised to require the addition of monitoring requirements for asbestos mills, asbestos manufacturing operations and asbestos waste disposal operations. The demolition and renovation standard is being revised to require specific recordkeeping and reporting requirements designed to help

improve compliance of these sources, which is currently believed to be low.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 1714.

FTS 8-629-5625.

Agency Contact: Gilbert Wood, Chief, Standards Support Section, Environmental Protection Agency, Air and Radiation, MD-13, RTP, North Carolina, **919 541-5625**

RIN: 2060-AB51

2876. NESHAPS: CHROMIUM

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium compounds. Also, we are investigating emissions of chromium and techniques that are available to control the emissions from 11 identified source categories. If EPA decides that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and EPA will develop proposed standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	03/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 2181.

FTS: 8-629-5596

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5596**

RIN: 2060-AB83

2877. NESHAP: CHROMIUM--INDUSTRIAL COOLING TOWERS

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24137). We are further assessing the public health risks of chromium compounds. Preliminary assessment performed by EPA has identified industrial process cooling towers as a source category which the proposal of national emission standards may be warranted. We are presently investigating in detail alternative feasible control options, and the economic, energy, and environmental impacts, and the effect on public health risks that would result from their application. If EPA decides, based on these investigations, that emissions standards are warranted, chromium or hexavalent chromium will be listed under Section 112 and EPA will develop standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	03/00/90	

Small Entity: No

Additional Information: SAR No. 2386.

FTS-8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5602**

RIN: 2060-AC12

2878. NESHAP: CHROMIUM--COMFORT COOLING TOWERS

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium compounds and investigating emissions of chromium and techniques that are available to control the emissions from identified source categories. Because emissions from cooling towers using chromium chemicals in the recirculating water are predominantly hexavalent, a detailed investigation of the technical feasibility of using chromium substitutes or high efficiency drift eliminators is being conducted. EPA has decided that emissions standards are warranted, and standards will be proposed under Section 6 of TSCA.

Timetable:

Action	Date	FR Cite
Notice of Solicitation	09/15/86	51 FR 32668
NPRM	11/00/87	
Final Action	02/00/89	

Small Entity: No

Additional Information: SAR No. 2386.

FTS-8-629-5625

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5625**

RIN: 2060-AC13

2879. NESHAP: CHROMIUM--ELECTROPLATING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium compounds. A preliminary assessment performed by EPA has identified chromium electroplating as a source category which emits significant quantities of chromium to the atmosphere and for which the proposal of national emission standards may be warranted. We are presently investigating in detail alternative feasible control options, and the economic, energy, and environmental impacts, and the effect on public health risks that would result from their application. If EPA decides, based on these investigations, that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and standards will be proposed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	03/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 2386.

FTS-8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5602**

RIN: 2060-AC14

2880. HAZARDOUS ORGANIC NESHAP

Significance: Agency Priority

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: This regulation will control emissions of butadiene, ethylene oxide, ethylene dichloride, chloroform, carbon tetrachloride, perchloroethylene, trichloroethylene, and methylene chloride, as hazardous pollutants under Section 112. The regulation will cover the production categories and some use categories for these eight pollutants. It will require installation of combustion devices to control process vents and an inspection and monitoring program to control leaks from pumps and valves.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
Final Action	11/00/89	

Small Entity: No

Additional Information: SAR No. 2363.

FTS:8-629-5578

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AC19

2881. ● NESHAP: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: This regulation will control emissions of perchloroethylene, which is intended to be designated as hazardous under Section 112. Carbon absorbers or refrigerated condensers will be required on all dry cleaning machines to effectively reduce perchloroethylene emissions. The standard will apply to all types of machines and may also address auxiliary equipment and safe workplace practices.

Timetable:

Action	Date	FR Cite
NPRM	08/00/88	
Final Action	11/00/89	

Small Entity: Undetermined

Additional Information:

FTS: 8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060-AC27

2882. ● NESHAP: ETHYLENE OXIDE FROM COMMERCIAL STERILIZATION

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: This standard will control ethylene oxide emissions from sterilization chambers. The emission reduction being considered would require add-on controls for sterilizers.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	11/00/89	

Small Entity: Undetermined

Additional Information:

FTS: 8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060-AC28

2883. ● NESHAP: ORGANIC SOLVENT CLEANING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: These regulations apply to organic solvent cleaners (degreasers) and will control emissions of perchloroethylene, methylene chloride, and trichloroethylene from new and existing sources. The emission reduction techniques being considered are combinations of add-on control hardware and improved operating practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/90	

Small Entity: Undetermined

Additional Information:

FTS: 8:629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060-AC31

2884. STRATOSPHERIC OZONE PROTECTION STRATEGY

Significance: Regulatory Program

Legal Authority: 42 USC 4547 / CAA 157(6)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Judicial, November 1987. Revised proposal by December 1987 and Final action by August 1988

Abstract: This action initiates a comprehensive research effort by EPA to assess issues related protection of the stratosphere, as directed by Part B, Section 157 of the CAA. The plan proposed that EPA enhance its research and analysis, participate in a series of domestic and international workshops related to stratospheric ozone, and arrive at a decision by November, 1987 whether additional regulation, either domestic or international, of stratospheric perturbants, is necessary. The plan also served as a basis for a settlement agreement between EPA and NRDC in a suit brought before the DC Circuit Court.

Timetable:

Action	Date	FR Cite
ANPRM	10/07/80	45 FR 66726
NPRM	12/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2372.

FTS: 8-382-4036

Agency Contact: Eileen Claussen, Environmental Protection Agency, Air and Radiation, ANR-445, **202 382-7407**

RIN: 2060-AC09

2885. ● PSD SET II FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 1857/CAA 166

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: Statutory, July 30, 1989.

Abstract: The purpose of this action is to prevent significant deterioration of air quality as measured by the new indicator for particulate matter, PM10. The existing PSD program has

particulate matter increments based on the original TSP indicator. The EPA has now promulgated a PM10 NAAQS to replace the original TSP-based particulate matter NAAQS. Therefore, EPA is preparing to revise the PSD program by promulgating PM10 increments in accordance with section 166 of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	07/00/89	
Final Action Effective	07/00/98	

Small Entity: No

Additional Information:

FTS: 8-541-5390

Agency Contact: Nancy Mayer, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5390**

RIN: 2060-AC33

2886. HYDROCARBON STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: Through this action, EPA will consider the establishment of more stringent hydrocarbon emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The new standards for lighter light-duty trucks would be no more stringent than the existing passenger car standard and an equivalently stringent standard for heavier light-duty trucks.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/86	51 FR 32032
NPRM	09/00/88	

Small Entity: No

Additional Information: SAR No. 2287.

FTS: 8-374-8496.

Agency Contact: J. Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060-AB85

2887. DECISION ON AIR POLLUTION REGULATORY STRATEGIES FOR THE GASOLINE MARKETING INDUSTRY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202; 42 USC 7525 / CAA 206;; 42 USC 7412 /CAA 212; 42 USC 7502 /CAA 172

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: Evaporative hydrocarbons emitted during vehicle refueling contribute to the failure of many urban areas to attain the National Ambient Air Quality Standard for ozone. Through this action, if deemed feasible and desirable, EPA will control emissions at the time of refueling.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31162
Supplemental NPRM	09/00/88	
Final Action	09/00/89	

Small Entity: No

Additional Information: SAR No. 2384.

FTS:8-374-8408

Analysis: Regulatory Impact Analysis

Agency Contact: Richard S. Wilcox, Environmental Protection Agency, Air and Radiation, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105, **313 668-4390**

RIN: 2060-AC04

2888. TRADING AND BANKING OF HEAVY-DUTY ENGINE NOX AND PM EMISSION CREDITS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: In March 1985 the EPA promulgated NOx and PM emission standards for heavy-duty vehicles and engines. The rulemaking included a provision for emissions averaging for the final stages of standard implementation in order to mitigate the economic impact of the stringent standards. EPA realized that the averaging mechanism could provide more benefits to manufacturers with a broader product line. In order to address this issue, EPA included in the final package a provision to study the potential for mitigating this uneven distribution of benefits through an emissions credit trading program. The study was expanded to include the concept of 'banking' emissions credit. The study has been completed and made available to the public and a technical workshop was held in January 1987. EPA is analyzing the comments received from the public and from the workshop.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: No

Additional Information: SAR No. 1315.

FTS: 8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4408**

RIN: 2060-AC05

2889. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: This action will result in amended rules to provide for certification of emissions compliance by small-volume manufacturers, including commercial importers importing vehicles into the United States. By a separate action, the Manufacturers Operations Division is revising its rules for nonconforming vehicle importation. This action is appropriate to improve the certification regulations and assure compliance with the exhaust emission standards. Current rules for small-volume manufacturers were not intended to specifically apply to conversion of previously manufactured but uncertified configurations. However, increasingly large numbers of manufacturers who import vehicles for resale have applied for EPA certification as an alternative to individual vehicle importation. This will primarily impact small businesses involved in importing motor vehicles. The likely impact of these changes will

be increased costs to these changes will be increased costs to these businesses.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: Yes

Additional Information: SAR No. 2143.

FTS: 8-374-4444.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Charlie Cole, Environmental Protection Agency, Air and Radiation, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4444**

RIN: 2060-AB54

2890. TEST PROCEDURES FOR TRAP-EQUIPPED DIESEL VEHICLES AND ENGINES

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: The particulate standards for 1987 and later model year Light- duty Diesel Vehicles and 1991 and later model year Heavy-duty Diesel Engines may require the use of trap-oxidizers for some vehicles and engines. The existing test procedures do not expressly describe how to deal with emissions and fuel economy effects during trap regeneration. This revision to the test procedures will provide specific instructions for consideration of these trap effects and in testing.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2373.

FTS: 8-374-8496

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060-AC08

2891. ● AMENDMENTS TO SELECTIVE ENFORCEMENT AUDITING REGULATIONS

Legal Authority: 42 USC 7525(b)/CAA 206; 42 USC 7542(a); 42 USC 7601(a)/CAA 501

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: These amendments would delete the mandatory reporting of manufacturers' internal quality assurance emission test data. Prior to promulgation of this requirement in 1980, many manufacturers voluntarily submitted their internal quality assurance data. The deletion of this requirement is not expected to improve the SEA program, especially since many manufacturers will continue to provide the data voluntarily.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	07/00/88	

Small Entity: No

Additional Information:

FTS: 8-382-4104

Agency Contact: Stephen Sinkez, Environmental Protection Agency, Air and Radiation, EN-340-F, 401 M St., SW, Washington, DC 20460, **202 382-4104**

RIN: 2060-AC34

2892. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) / CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None.

Abstract: This rulemaking will address the issue of establishing: (1) test procedures and standards for heavy-duty gasoline vehicles, (2) new standards for light-duty vehicles and light-duty trucks, and (3) alternative dynamometer loadings for the loaded short tests. These amendments are appropriate so that owners of heavy-duty vehicles will have emissions warranty protection and additional owners of light-duty vehicles and trucks will be entitled to warranty protection.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2136.

FTS: 8-374-8416.

Agency Contact: James McCargar, Environmental Protection Agency, Air and Radiation, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4416**

RIN: 2060-AB53

2893. FUEL AND FUEL ADDITIVES: PREVENTATIVE ACTION PROGRAM TO PREVENT SELF-SERVE FUEL SWITCHING

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80.22; 40 CFR 80.23

Legal Deadline: None.

Abstract: This action will develop a voluntary "Preventative Action Program" to be used by gasoline retailers to help prevent self-serve fuel switching. Retailers will be afforded an affirmative defense to allegations of "allowing" fuel switching if they have effectively implemented this program. This action would also change the language of the fuel switching regulation to prohibit fuel switching in all vehicles designed to use unleaded gasoline, and not just those that still have an "unleaded only" label or fuel inlet restrictor.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2215.

FTS: 8-382-2633

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060-AB59

2894. ● PSD REGULATIONS FOR NOX

Significance: Regulatory Program

Legal Authority: 42 USC 1857 /CAA 211

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: Judicial, October 9, 1989.

Abstract: In March 1986, the Sierra Club, et al., filed suit against EPA for not promulgating regulations pursuant to section 166 of the Clean Air Act for nitrogen oxides (NOx). The court decision issued by the District Court for the Northern District of California on April 1, 1987, requires the EPA to propose regulations by February 9, 1988, and promulgate regulations by October 9, 1988. Work started in November on the development of PSD increment (or its equivalent) for NOx, comply with this court action.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	03/00/88	
Final Action	10/00/88	
Final Action Effective	10/00/89	

Small Entity: No

Additional Information:

FTS: 8-541-5592

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5592**

RIN: 2060-AC29

2895. ● REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS; SURFACE COAL MINES

Legal Authority: 42 USC 7401 /CAA 111

CFR Citation: 40 CFR 52.21; 40 CFR 51.166; 40 CFR 52.24; 40 CFR 51, Appendix S

Legal Deadline: None.

Abstract: The various EPA regulations that govern new construction under the Clean Air Act generally apply to "major" new stationary sources of air pollution and "major" modifications of existing sources. They require fugitive emissions to be included in threshold applicability determinations of whether a new project is "major," but only for 30 categories of sources. The purpose of this action is to determine if surface coal mines should be added to the existing list of 30 categories.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information:

FTS:8-629-5375.

Agency Contact: David Solomon, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5375**

RIN: 2060-AC40

2896. ● NONCONFORMANCE PENALTIES FOR 1991 THROUGH 1994 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES AND ENGINES

Legal Authority: 42 USC 7524 /CAA 205

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upperlimits and penalty rates for 1991 through 1994 model year emission standards for heavy-duty vehicles and engines. The availability of NCPs will allow a manufacturer, whose vehicles or engines fail to conform with certain applicable emission standards, but which do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This rule is the third phase of NCP rulemaking. The first, published August 30, 1985 established generic aspects of NCPs. The second, published December 31, 1985, addressed NCPs applicable to 1987 and 1988 model years.

Timetable:

Action	Date	FR Cite
NPRM	08/00/88	
Final Action	00/00/00	

Small Entity: No

Additional Information:

FTS:8-382-2535. SAR 2431.

Agency Contact: Richard Babst, Environmental Protection Agency, Air and Radiation, (EN-340-F), Washington, DC 20460, **202 382-2535**

RIN: 2060-AC39

2897. ● SELECTIVE ENFORCEMENT AUDITING REGULATIONS (REVISION)

Legal Authority: 42 USC 7525 /CAA 206; 42 USC 7542 /CAA 211; 42 USC 7601 /CAA 501

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: EPA intends to delete the mandatory reporting of manufacturers' internal quality assurance test data with these amendments. Prior to promulgation of this requirement, in 1980, many manufacturers voluntarily submitted their internal quality assurance data. EPA expects that many manufacturers will continue to voluntarily provide the data even after these amendments are published.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	07/00/88	

Small Entity: No

Additional Information:

FTS:8-382-4104.

SAR 2385.

Agency Contact: Stephen Sinkez, Environmental Protection Agency, Air and Radiation, (EN-340-F), Washington, DC 20460, **202 382-4104**

RIN: 2060-AC36

2898. FUEL ECONOMY TEST PROCEDURES; ADJUSTMENT TO TEST RESULTS TO ACCOUNT FOR TEST PROCEDURE CHANGES (LIGHT-DUTY TRUCKS)

Legal Authority: 42 USC 2003 / EPCA 503

CFR Citation: 40 CFR 600

Legal Deadline: None.

Abstract: In January 1982, the United States Court of Appeals for the Sixth Circuit issued an order requiring EPA to initiate rulemaking to establish procedures for determining what, if any adjustments were due for the 1980-85 Corporate Average Fuel Economy (CAFE) test results. Adjustments for light-duty vehicles have been finalized. This rule will address the need for adjusting test results of light-duty trucks. Specifically, a supplemental proposal will consider further whether the adjustments in CAFE made for light-duty vehicles should be made for light-duty trucks.

EPA—CAA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27188
NPRM (Supplemental)	10/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 2289.

FTS: 8-374-8479.

Agency Contact: Robert Larson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4479**

RIN: 2060-AB86

2899. TREATMENT, STORAGE, AND DISPOSAL FACILITY AREA SOURCE AIR EMISSIONS - RCRA STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264, Subparts I,J,K,L,M,N

Legal Deadline: Statutory, May 1987.

Abstract: The purpose of this action is to investigate the magnitude of the area non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Area sources include surface impoundments, landfills, waste piles, land treatment operations and waste water treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	11/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2240.

FTS:8-629-5672.

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5672**

RIN: 2060-AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Final Rule Stage

2900. NEW SOURCE REVIEW (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6910 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None.

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/25/83	49 FR 38742
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 1845.

FTS:8-629-5697.

Agency Contact: David Solomon, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5697**

RIN: 2060-AA68

2901. FEDERAL PROMULGATION OF STATE IMPLEMENTATION PLANS TO PROTECT VISIBILITY

Legal Authority: 42 USC 7410/CAA 110; 42 USC 7491/CAA 169

CFR Citation: 40 CFR 51.300-307

Legal Deadline: Judicial, August 31, 1987.

Abstract: Section 169 of the Clean Air Act requires EPA to remedy existing and prevent future visibility impairment in certain national parks, wildernesses, and international parks. In 1980 EPA promulgated these regulations for 36 states. On July 12, 1986 EPA published Federal promulgation of SIPs to cover visibility new source review and monitoring. On March 12, 1987, as required by a settlement agreement EPA proposed federal promulgation of SIPs to cover the remaining elements for 32 states which have not submitted adequate SIPs. Unless states submit revised SIPs to EPA by August 31, 1987, EPA must publish the Federal promulgation of the SIPs by November 12, 1987. Under the settlement agreement, EPA deferred action on remedying existing impairment in 4 states until August 1988.

Timetable:

Action	Date	FR Cite
NPRM	03/12/87	52 FR 7802
Final Action	11/00/87	
Remedying Existing Impairment		
NPRM	08/00/88	
Final Action	04/00/89	

Small Entity: No

Additional Information: SAR No. 2428.

FTS:8-629-5540

Agency Contact: Janet Metsa, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5540**

RIN: 2060-AC20

2902. NSPS: SOLVENT DEGREASING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart JJ

Legal Deadline: Statutory, August 1982.

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. A Federal Register notice requesting public participation in information gathering for Organic Solvent Cleaning was published August 10, 1987 (52 FR 29548).

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5568.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060-AA12

2903. NSPS: RUBBER PRODUCTS INDUSTRY-TIRE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BBB

Legal Deadline: Statutory, August 1982. Statutory: Final Action due 8/82

Abstract: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2676
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 1615. Docket No. A-80-9. PFTS:8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060-AA24

2904. NSPS: SYNTHETIC ORGANIC CHEMICAL INDUSTRY: AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Legal Deadline: Statutory, August 1982.

Abstract: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.The Agency is still considering whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1618. FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060-AA30

2905. NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982.

Abstract: This regulation will control emissions of volatile organic compounds from new, modified, and reconstructed distillation facilities at petroleum refineries and synthetic organic chemical plants.New issues have arisen and the Agency is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1733. FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060-AA35

2906. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46464
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1736. FTS:8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060-AA36

2907. NSPS: SEWAGE TREATMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping and reporting requirements are warranted. The review assessed the performance and cost of control systems as well as experience in implementing the existing standard. EPA has issued a notice in the Federal Register announcing the results of its review and proposing revisions to the monitoring, recordkeeping and reporting requirements (51 FR 13424).

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 43424
Final Action	11/00/87	

Small Entity: No

Additional Information: SAR No. 2028. FTS: 8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5602**

RIN: 2060-AB05

2908. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: EPA is revising the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This revision of the standard does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2044.

FTS: 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060-AB22

2909. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: These revisions to the existing NSPS for large fossil fuel-fired steam generators would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2083.

FTS: 8-629-5251.

Analysis: Regulatory Impact Analysis

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5251

RIN: 2060-AB29

2910. NSPS: INDUSTRIAL BOILERS, S02

Significance: Regulatory Program

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Judicial. NPRM, June 1986; Final Rule, December 1987

Abstract: Industrial boilers are a significant stationary source of sulfur dioxide. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission standards upon the best available system of control taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22384
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2075.

FTS: 8-629-5251.

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5251

RIN: 2060-AB33

2911. NSPS: CEMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 /CAA 111; 42 USC 7414 /CAA 114

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: EPA has completed a four-year review of this NSPS. As a result, the Agency intends to revise the monitoring requirements associated with the standard to require installation of continuous opacity monitors on all kilns and clinker coolers subject to the standards after August 17, 1971.

Timetable:

Action	Date	FR Cite
NPRM	09/10/85	50 FR 36956
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2186.

FTS: 8-629-5568

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060-AB38

2912. NSPS: SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982.

Abstract: This action would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat plastic parts for business machines.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 854
Final Action	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2236.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060-AB66

2913. NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982.

Abstract: This regulation would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat polymeric compounds onto supporting substrates.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/84	49 FR 32868
NPRM	04/30/87	52 FR 15906
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 2237.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060-AB67

2914. NSPS: RESIDENTIAL WOOD COMBUSTION

Significance: Regulatory Program

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None. The Agency has entered into a settlement agreement under which it will taken proposed and final action by 1/31/87 and 1/31/88 respectively.

Abstract: This regulation would limit particulate matter emissions from new residential wood combustion units. A

study continues to assess the performance and costs of technology utilized to control these emissions and to analyze the economic aspects of the industry.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/85	50 FR 31504
NPRM	02/18/87	52 FR 4994
Final Action	01/00/88	

Small Entity: Yes

Additional Information: SAR No. 2238.

FTS:8-629-5578.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB68

2915. NSPS: VOC EMISSIONS FROM PETROLEUM REFINERY WASTEWATER SYSTEMS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982.

Abstract: This regulation is intended to limit emissions of volatile compounds from new, modified, and reconstructed refinery wastewater systems.

Timetable:

Action	Date	FR Cite
NPRM	05/04/87	52 FR 16334
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 1696.

FTS: 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060-AB81

2916. NSPS: MAGNETIC TAPE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982.

Abstract: This regulation is intended to limit emissions of volatile organic compounds from new, modified, and reconstructed magnetic tape manufacturing lines.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2996
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 1928.

FTS: 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060-AB88

2917. NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1986.

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess performance and costs of asphalt processing and asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC, 919 541-5595

RIN: 2060-AC23

2918. NESHAPS: BENZENE IN COKE OVEN BY-PRODUCT PLANTS

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: Statutory, December 1984. Statutory - Promulgation due 12/00/84

Abstract: This regulation will control benzene emissions generated by the processing of gaseous and liquid streams at coke by-product plants. The emission sources to be controlled include process equipment, storage vessels, and fugitive emissions. The standards may consist of equipment specifications, work practices, design specifications, and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23528
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 1685.

FTS:8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060-AA42

2919. NESHAPS: COKE OVEN EMISSIONS FROM COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL-CHARGED BATTERIES

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 G

Legal Deadline: Statutory, March 1985. Statutory - Proposal due 3/00/85

Abstract: This regulation will control emissions of coke oven emissions, which have been designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards may apply to charging and leaks from doors, lids, or offtakes for all existing or new sources.

Timetable:

Action	Date	FR Cite
NPRM	04/23/87	52 FR 13586
Final Action	07/00/88	

Small Entity: No

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060-AA48

2920. "GUIDELINE ON AIR QUALITY MODELS" (REVISION)

Legal Authority: CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Legal Deadline: None.

Abstract: These guidelines were promulgated on September 9, 1986. However, a supplemental proposed rule was also published on that date which includes: (1) addition of specific version of the Rough Terrain Dispersion Model (RTDM) as a screening model; (2) modification of the downwash algorithm of the Industrial Source Complex (ISC) model; (3) addition of the Offshore and Coastal Dispersion (OCD) model to Appendix A; and (4) addition of the AVACTA II model to Appendix B. The purpose of the proposed changes is to augment the guidance in response to a substantial number of public comments urging the Agency to do so. EPA is only soliciting public comment on these four proposed changes.

Timetable:

Action	Date	FR Cite
NPRM (Supplemental)	09/09/86	51 FR 32180
Final Action	09/09/86	51 FR 32176
Final Action (Supplemental)	10/00/87	

Small Entity: No

Additional Information: SAR No. 1941.

FTS: 8-629-5561.

Docket No. A-80-46.

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, N.C. 27711, **919 541-5561**

RIN: 2060-AB13

2921. EMISSION STANDARDS AND TEST PROCEDURES FOR METHANOL-FUELED NEW MOTOR VEHICLES

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: This rule will develop emission standards and test procedures applicable to methanol-fueled light-duty vehicles, light-duty trucks, heavy-duty engines, and motorcycles. Current regulations apply only to gasoline-fueled and diesel-powered vehicles. The lack of regulations is a hindrance to the development of methanol-fueled vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	04/10/84	49 FR 14244
NPRM	08/29/86	51 FR 30984
Final Action	06/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2112.

FTS: 8-374-8227.

Agency Contact: Mike Gold, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8227**

RIN: 2060-AB28

2922. CONTROL OF EXCESS EVAPORATIVE EMISSIONS/FUEL VOLATILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 /CAA 202; 42 USC 7525 /CAA 206; 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: In-use motor vehicle evaporative hydrocarbon emissions greatly exceed their applicable EPA emissions standards. A major reason is that the volatility of commercial gasoline is substantially greater than that of the certification test fuel specified by EPA. This rule will consider options to deal with this problem including control of commercial fuel volatility and a change to certification test fuel volatility.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31274
Final Action	09/00/89	

Small Entity: No

Additional Information: SAR No. 2318.

FTS:8-374-8339

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, **313 668-4339**

RIN: 2060-AB89

2923. PARTICULATE EMISSION STANDARDS FOR CERTAIN 1987 AND LATER MODEL YEAR LIGHT-DUTY DIESEL TRUCKS (REVISION)

Legal Authority: 42 USC 7521/CAA 202; 42 USC 7525/CAA 206; 42 USC 7601/CAA 501

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: EPA is considering revising the particulate emission standards for light-duty diesel trucks with a loaded vehicle weight equal to or greater than 3751 pounds. The standard would be relaxed for the 1987-1990 model years, allowing manufacturers to devote their resources to developing particulate trap oxidizer technology. Then in 1991, the standard would be tightened to 0.13 grams per mile which is twice as stringent as the current applicable standard.

Timetable:

Action	Date	FR Cite
NPRM	06/14/87	52 FR 21075
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR No. 2416.

FTS:8-382-2485

Agency Contact: Carol Bengle, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, **202 382-2485**

RIN: 2060-AC18

2924. IMPORTATION OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES (REVISION)

Legal Authority: 42 USC 7522 / CAA 203

CFR Citation: 40 CFR 85

Legal Deadline: None.

Abstract: EPA is considering various options for improving the effectiveness and administration of EPA's present regulation concerning the importation of nonconforming vehicles. Nonconforming vehicles are ones which have not been demonstrated to conform with Federal emission requirements. The regulatory revision options range from requiring that only certificate holders may import the vehicles (thereby bearing responsibility for their emission performance) to continuing the approach in the current regulation with various improvements, to elimination of importation of such vehicles (with

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minor exceptions). EPA is also considering elimination of any personal use exceptions.

Timetable:

Action	Date	FR Cite
NPRM	07/21/80	45 FR 48812
NPRM - Supplemental	09/09/85	50 FR 36838
Final Action	09/00/87	

Small Entity: Yes

Additional Information: SAR No. 1317.

Docket No. EN-79-9.

FTS:8-382-2500.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Zachary Fraser, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, **202 382-2500**

RIN: 2060-AA54

2925. REMOVAL OF LEAD FROM EPA CERTIFICATION AND TEST FUELS (REVISION)

Legal Authority: 42 USC 7525 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: EPA proposed amendments to require the use of unleaded gasoline in all emissions and fuel economy testing of gasoline fueled light-duty vehicles, light-duty trucks, motorcycles and heavy-duty engines. EPA believes that leaded fuel is no longer needed for new gasoline fueled vehicles or engines.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24606
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2290.

FTS: 8-374-8340.

Agency Contact: Peter Hutchins, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4340**

RIN: 2060-AB87

2926. VOLUNTARY AFTERMARKET PARTS CERTIFICATION REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) /CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None.

Abstract: The U.S. Court of Appeals for the D.C. Circuit has directed EPA to amend the aftermarket parts certification regulations. There were four specific areas which the Court directed EPA to revisit. EPA was directed to develop better procedures for determining adequate grounds for manufacturer denial of a warranty claim; reconsider inclusion of specialty parts into the certification system; improve the procedure for resolution of warranty cost claims by vehicle manufacturers' against certified parts manufacturers; and labeling for certified parts.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 924
Final Action	03/00/88	

Small Entity: Yes

Additional Information: SAR No. 2145.

FTS: 8-374-8316

Analysis: Regulatory Flexibility Analysis

Agency Contact: Mike Sabourin, Environmental Protection Agency, Air and Radiation, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060-AB58

2927. FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Legal Deadline: None.

Abstract: EPA is examining information relevant to a ban on the use of lead in gasoline. The Agency is considering a set of alternatives ranging from no regulatory action to a ban. The Agency recently completed a cooperative study with the U.S. Department of Agriculture to assess the effects of a lead ban on farm equipment. A report to Congress is due in the fall.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9386
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 2214.

FTS: 8-382-2633.

Analysis: Regulatory Flexibility Analysis; RIA, RFA

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060-AB60

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Completed Actions

2928. NAAQS FOR PARTICULATE MATTER (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 50.6; 40 CFR 50.7

Completed:

Reason	Date	FR Cite
Final Action	07/01/87	52 FR 24634

Small Entity: No

Agency Contact: Bruce Jordan 919 541-5655

RIN: 2060-AA62

2929. QUALITY ASSURANCE PROCEDURES, APPENDIX F, PROCEDURE 1

CFR Citation: 40 CFR 60, Appendix F

Completed:

Reason	Date	FR Cite
Final Action	06/04/87	52 FR 21003

Small Entity: No

Agency Contact: Darryl von Lehmden 919 541-2415

RIN: 2060-AA09

EPA—CAA **Completed Actions**

2930. NSPS: VOLATILE ORGANIC LIQUIDS STORAGE

CFR Citation: 40 CFR 60, Subpart Kb

Completed:

Reason	Date	FR Cite
Final Action	04/08/87	52 FR 11420

Small Entity: No

Agency Contact: Doug Bell 919 541-5578

RIN: 2060-AA23

2931. NESHAPS: MERCURY (REVISION)

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	03/19/87	52 FR 8724

Small Entity: No

Agency Contact: Gilbert H. Wood 919 541-5578

RIN: 2060-AB44

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Proposed Rule Stage

2932. DESIGNATION AND REPORTABLE QUANTITIES FOR RELEASES OF NON-CARCINOGENS AND NON-CHRONIC TOXICANTS ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 9601 /CERCLA 101; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None.

Abstract: This rule will propose to designate extremely hazardous substances, as defined in Section 302 of SARA, as hazardous substances with assigned RQs pursuant to Section 102 of CERCLA. This rule will also propose to adjust under Section 102 of CERCLA and 304 of SARA the reportable quantities for the non-carcinogens and non-chronic toxicants on the Extremely Hazardous Substances List.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2336.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, D.C. 20460, **202 382-3000**

RIN: 2050-AB62

2933. REPORTING EXEMPTION FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9601 /CERCLA 101

CFR Citation: 40 CFR 100; 40 CFR 117; 40 CFR 300; 40 CFR 302; 40 CFR 355

Legal Deadline: None.

Abstract: In the May 25, 1983 NPRM (48 FR 23552) that proposed to adjust certain reportable quantities (RQs) for releases of hazardous substances, EPA explained the Agency's interpretation of each of the types of releases exempted by the definition of "federally permitted release" in Section 101(10) of CERCLA. Because of the amount of time that has passed and additional analysis undertaken since that NPRM, this action reproposes regulations to clarify the statutory language in Section 101(10) of CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2394.

RCRA/Superfund Hotline 800-424-9346, in Washington DC 202-382-3000

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548B, **202 382-3000**

RIN: 2050-AB82

2934. REPORTABLE QUANTITIES (RQ) FOR RELEASES OF POTENTIAL CARCINOGENS AND CHRONIC TOXICANTS ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 11002 / SARA 302; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None.

Abstract: This action adjusts RQs for carcinogens and chronic toxicants on the Extremely Hazardous Substances List and proposed for designation as CERCLA hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	10/00/89	

Small Entity: No

Additional Information: SAR No. 2429.

Agency Contact: Ivette O. Vega, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, **202 382-3000**

RIN: 2050-AC14

2935. REPORTING CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

Significance: Agency Priority

Legal Authority: 42 USC 9603 / CERCLA 103

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None.

Abstract: The purpose of this action is to clarify the reduced reporting requirements pursuant to Section 103(f)(2) of CERCLA for facilities that have continuous and stable releases of hazardous substances in amounts at or above their reportable quantities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2411 (previously listed as SAR 1642C).

For further information contact the RCRA/Superfund Hotline (800-424-

9346); in Metropolitan Area (202-382-3000)

Agency Contact: Hubert Walters, Environmental Protection Agency, Solid Waste and Emergency Response, WH 548B, Washington, DC 20460, 202 382-3000

RIN: 2050-AA46

2936. REPORTABLE QUANTITIES (RQS) FOR RELEASES OF METHYL ISOCYANATE (MIC) AND LEAD; DELISTING OF AMMONIUM THIOSULFATE

Significance: Regulatory Program

Legal Authority: 42 USC 9601 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: Statutory. NPRM, December 31, 1986; Final Action, April 30, 1988.

Abstract: The proposed reportable quantity (RQ) adjustments for methyl isocyanate (MIC) and lead were withdrawn by the Agency on April 4, 1985 (50 FR 13472) and September 29, 1986 (51 FR 34534), respectively. The Agency decided to retain the statutory one-pound RQs for these substances pending further technical analysis. The purpose of this action is to propose and promulgate final RQ adjustments for lead and four lead compounds. The statutory RQ for MIC will be retained until analysis of human data. The agency is proposing to delist ammonium thiosulfate as a CERCLA hazardous substance.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2459.

RCRA/Superfund Hotline 800-424-9346; in Washington, DC 382-3000.

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-3000

RIN: 2050-AC21

2937. ACCIDENTAL RELEASE INFORMATION PROGRAM (ARIP) FOR HAZARDOUS SUBSTANCE RELEASES

Legal Authority: 42 USC 9601 /CERCLA 104(e)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Accidental Release Information Program (ARIP) will require facilities having repeated or severe accidental releases to submit to EPA information on what caused the releases and what prevention measures will be taken as a result of the releases. The proposed rule will effect small entities to the extent that they have large on frequent releases. At this point, the terms "repeated", "severe", "large", and "frequent" are under discussion.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2437.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Cathleen Shepherd, Environmental Scientist, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548, 202 475-8247

RIN: 2050-AC02

2938. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (NCP)

Significance: Regulatory Program

Legal Authority: 33 USC 1321 / CWA 311; 42 USC 9605 / CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: Statutory, April 17, 1988.

Abstract: The National Contingency Plan (NCP) is the primary regulation directing government and responsible party response to and cleanup of discharges of oil, and releases of hazardous substances, pollutants and contaminants. The Superfund Amendments and Reauthorization Act of 1986 mandated that the NCP be revised within 18 months of the date of enactment to incorporate statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2400. FTS-8-382-2182.

Agency Contact: Arthur Weissman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548D), Washington, DC 20460, 202 382-2182

RIN: 2050-AA75

2939. HAZARD RANKING SYSTEM FOR UNCONTROLLED HAZARDOUS SUBSTANCE RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 9605(A)(8)(a) / CERCLA 105(A)(8)(A); 42 USC 9605(c) / CERCLA 105(C)

CFR Citation: 40 CFR 300, Appendix A

Legal Deadline: Statutory, April 17, 1988. Deadline of 4/88 required by SARA

Abstract: This action revises the Hazard Ranking System (HRS) which is Appendix A of the National Contingency Plan. The HRS is a system for determining the relative severity of risks among releases of hazardous substances. The HRS is the primary mechanism for establishing the National Priorities List under CERCLA. SARA requires that the HRS be amended to assure, to the extent feasible, that it accurately assesses relative risk to public health and the environment. SARA specifically requires that the HRS take into consideration natural resource damages that may affect the human food chain as well as potential air contamination. The HRS must also appropriately assess human health risks associated with contamination of surface waters for drinking or recreation.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/87	52 FR 11513
NPRM	11/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2065.

FTS: 8-382-4604

Agency Contact: Steve Caldwell, Environmental Protection Agency, Solid Waste and Emergency Response, 202 382-4604

RIN: 2050-AB73

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2940. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 7, RCRA SITES, AND FEDERAL FACILITIES SITES

Significance: Regulatory Program

Legal Authority: 42 USC 9605 /CERCLA 105; 42 USC 9620 /CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: Statutory. Annual Update.

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will propose Update 7. RCRA sites, and Federal facilities sites. See the related action in the final rule section of this document.

Timetable:

Action	Date	FR Cite
RCRA Sites	10/00/87	
Update 7	11/00/87	
Federal Facilities	02/00/88	
RCRA Sites	04/00/88	
Federal Facilities	10/00/88	
Update 7	10/00/88	

Small Entity: No

Additional Information: SAR No. 2463, SAR No. 2513, SAR No. 2514.

FTS:8-382-5632

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-3412**

RIN: 2050-AC16

2941. RESPONSE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None.

Abstract: This action prescribes the forms and procedures for persons other than the Government to recover response costs incurred in carrying out the National Contingency Plan.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2160.

FTS: 8-382-4645.

Analysis: Regulatory Impact Analysis

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050-AA90

2942. ● ADMINISTRATIVE HEARING PROCEDURE FOR SUPERFUND CLAIMS

Legal Authority: 42 USC 9612(b) /CERCLA 112(b)

CFR Citation: 40 CFR 305

Legal Deadline: None.

Abstract: Section 112(b)(2) of CERCLA as amended, provides that a person who has made a claim against the Superfund and is dissatisfied with the award by EPA may request an administrative hearing. Such hearings shall be before an administrative law judge. The purpose of this rule would be to establish procedures for conducting administrative hearings. The procedures of this rule would replace the Arbitration procedures, formerly codified at 40 CFR Part 305, revoked as a result of the amendments to section 112.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information:

FTS:8-382-4645. SAR No. 2498.

Agency Contact: William D. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050-AC26

2943. REPORTING HAZARDOUS SUBSTANCES ACTIVITY WHEN TRANSFERRING FEDERAL REAL PROPERTY

Legal Authority: 42 USC Undetermined /SARA 120

CFR Citation: 40 CFR Undetermined

Legal Deadline: Statutory, April 17, 1988.

Abstract: This section of SARA requires that EPA, in consultation with the General Services Administration promulgate rules which will require the disclosure of the type and quantity of any hazardous substances that have been stored, released or disposed of on federally owned land when such land is sold or otherwise transferred from the federal domain. These regulations also require that: (1) the agencies holding such land provide, at the time of transfer, a covenant warranting that all remedial actions necessary for protection of human health and the environment have been taken; and (2) any additional action found to be necessary after the transfer will be undertaken by the U.S.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2464.

FTS:8-382-5647

Agency Contact: Richard Dailey, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, DC 20460, **202 382-5647**

RIN: 2050-AC00

2944. WORKER PROTECTION STANDARDS FOR HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

Legal Authority: 42 USC 9626(f) /SARA Sec 126(f)

CFR Citation: 40 CFR Undetermined

Legal Deadline: Statutory. 90 days after the Department of Labor promulgates standards.

Abstract: The Superfund Amendments and Reauthorization Act of 1986 (SARA) required the Secretary of Labor, within one year of the date of enactment, to promulgate standards for the health and safety protection of

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employees engaged in hazardous waste operations. SARA requires the Administrator of EPA to promulgate identical standards. The EPA apply to employees of State and Local governments in each State (currently 30) that does not have in effect an approved State Plan under section 18 of the Occupational Safety and Health Act of 1970.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2427.

Agency Contact: Rodney Turpin, Environmental Protection Agency, Solid Waste and Emergency Response, **201 321-6745**

RIN: 2050-AC12

2945. ● TRADE SECRET CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW INFORMATION; TRADESECRET DISCLOSURES TO HEALTH PROFESSIONALS

Legal Authority: 42 USC 11042 /SARA 322; 42 USC 11043 /SARA 323

CFR Citation: 40 CFR 350

Legal Deadline: None.

Abstract: The regulations under section 322 provide information submitted under sections 303, 311, 312 and 313 of the Superfund Amendments and Reauthorization Act of 1986 may be claimed trade secret. Included here will be the methods for making claims of trade secrecy with the Agency, as well as Agency procedures for handling petitions from the public requesting disclosure of information claimed trade secret. The regulations under section 323 provide that health professionals may under certain circumstances request trade secret information directly from the person making the trade secret claim. Included here will be the procedures for making such a request, and the standards for documents (a statement of need and a confidentiality agreement) which must accompany the request.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	05/00/88	

Small Entity: No

Additional Information:

FTS:8-382-5460

SAR No. 2419

Analysis: Regulatory Impact Analysis

Agency Contact: Beverly Horn, Environmental Protection Agency, Solid Waste and Emergency Response, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2050-AC27

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2946. REPORTABLE QUANTITIES (RQS) FOR RELEASES OF POTENTIAL CARCINOGENS AND OTHER HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102; 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: Statutory. Legislation imposed a 12/31/86 deadline for proposal and a 4/30/88 deadline for the final rule.

Abstract: In March 1987 the Agency proposed adjusting, where appropriate, the statutory reportable quantities (RQs) for 273 of the hazardous substances identified in Section 101(14) of CERCLA, as amended. Most (269) of these substances have been evaluated for potential carcinogenicity. SARA 202 amends CERCLA 306 to require the Department of Transportation (DOT) to list and regulate as hazardous materials all CERCLA hazardous substances. These regulations require that when these materials are shipped in quantities equal to or greater than their RQs, they be identified as hazardous substances on shipping papers and package markings. DOT promulgated this rule with an effective date of July 1, 1987. The DOT has received several inquiries concerning six frequently transported CERCLA hazardous substances that had their RQs proposed to be adjusted in the March 16, 1987 rule. EPA has decided to expedite the final RQ adjustments for these six substances to relieve the regulatory burden on industry.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	52 FR 8140
Final Action	03/00/88	
for six substances		
Final Action	11/00/87	

Small Entity: No

Additional Information: SAR No. 2104.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. (382-3000).

Agency Contact: Ivette O. Vega, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, **202 382-3000**

RIN: 2050-AA80

2947. REPORTABLE QUANTITIES (RQS) FOR RELEASES OF RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: Statutory. Legislation imposes a 12/31/86 deadline for proposal and a 4/30/88 deadline for the final rule.

Abstract: EPA is adjusting the statutory one-pound reportable quantity (RQ) for radionuclides pursuant to Section 102 of CERCLA. Radionuclides consist of approximately 1,800 radioactive isotopes whose release represents differing degrees of potential harm to human health and the environment. The Agency has proposed individual adjusted RQs for 757 radionuclides, and an RQ of one curie for all of the remaining radionuclides.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	52 FR 8172
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2335.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Barbara Hostage, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, D.C. 20460, **202 382-3000**

RIN: 2050-AB60

2948. WITHDRAWAL OF ARBITRATION PROCEDURES AND NATURAL RESOURCE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCE SUPERFUND

Legal Authority: 42 USC 9612 /CERCLA 112 and SARA 517

CFR Citation: 40 CFR 305; 40 CFR 306

Legal Deadline: None.

Abstract: The rule on CERCLA arbitration procedures will be withdrawn because the Superfund Amendments and Reauthorization Act (SARA) revoked the authority for claims arbitration. The rule on CERCLA natural resource claims procedures will be withdrawn because SARA revoked the appropriation for any Superfund monies to be utilized to pay such claims.

Timetable:

Action	Date	FR Cite
NPRM	07/13/87	52 FR 26160
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2457.

FTS 8-382-4645

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548, Washington DC 20460, **202 382-4645**

RIN: 2050-AC06

2949. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATES 3,4,5 AND 6

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B); 42 USC 9620 (d)(2) /CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: Statutory. Annual Update.

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will promulgate Updates 3, 4, 5, and 6. See the related action in the proposed rule section of this Agenda.

Timetable:

Update 5
NPRM 06/10/86 (51 FR 21099)
Final Action 04/00/88

Update 6
NPRM 01/22/87 (52 FR 2492)
Final Action 10/00/88

Updates 3 and 4
Final Action 07/22/87 (52 FR 27620)

Small Entity: No

Additional Information: SAR Nos. 2077, 2516, 2517.

FTS: 8-382-3412.

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548A), Washington, DC 20460, **202 382-3412**

RIN: 2050-AA79

2950. TECHNICAL ASSISTANCE GRANTS TO GROUPS AT NATIONAL PRIORITY LIST (NPL) SITES

Legal Authority: 42 USC 9617 / SARA 117

CFR Citation: 40 CFR Undetermined

Legal Deadline: None.

Abstract: Superfund Amendments and Reauthorization Act 1986 requires that EPA develop grant regulations for technical assistance for citizen groups. Under Section 117(e) groups of individuals may apply for the technical assistance grants only at NPL sites. The grants are limited to $50,000 per site and the grant recipient is required to contribute a 20% match. These limits may be waived.

Timetable:

Action	Date	FR Cite
ANPRM	06/10/87	52 FR 22244
Interim Final Rule	02/00/88	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 2401.

FTS:8-382-2460

Agency Contact: Daphne Gemmill, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548A, Washington DC 20460, **202 382-2460**

RIN: 2050-AC10

2951. REIMBURSEMENT OF LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

Legal Authority: 42 USC 9623 / SARA 123

CFR Citation: 40 CFR 310

Legal Deadline: Statutory, October 17, 1987.

Abstract: This provision authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to $25,000 per incident and is not intended to supplant local funds normally provided for response. Total funds available to this program is limited, by statute, to not more than $8.5 million over the 5 year period beginning 10/01/86.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2409.

Agency Contact: Karen Z. Burgan, Environmental Protection Agency, Solid Waste and Emergency Response, WH-545B, Washington DC 20460, **202 382-3382**

RIN: 2050-AC11

2952. EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS AND COMMUNITY RIGHT TO KNOW REPORTING REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 11011 / SARA 311; 42 USC 11012 / SARA 312

CFR Citation: 40 CFR 370

Legal Deadline: None.

Abstract: Under Sections 311 and 312 of SARA, facilities required to prepare or have available a material safety data

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sheet (MSDS) under the OSHA and its implementing regulations must submit the MSDS and the hazardous chemical inventory forms to local and state officials. The purpose of the rule is to publish the inventory forms and establish regulations to implement the material safety data sheet (MSDS) and inventory reporting requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/27/87	52 FR 2836
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 2412.

Analysis: Regulatory Impact Analysis

Agency Contact: Kathleen Brody, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548, Washington DC 20460, **202 475-8353**

RIN: 2050-AB88

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Completed Actions

2953. EXTREMELY HAZARDOUS SUBSTANCES LIST AND THRESHOLD PLANNING QUANTITIES; EMERGENCY PLANNING AND RELEASE NOTIFICATION REQUIREMENTS

Significance: Regulatory Program

CFR Citation: 40 CFR 300

Completed:

Reason	Date	FR Cite
Final Action	04/22/87	52 FR 13378

Small Entity: Undetermined

Agency Contact: Richard A. Horner 202 382-7945

RIN: 2050-AB86

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Proposed Rule Stage

2954. ● PROGRAM FRAUD CIVIL REMEDIES

Legal Authority: 31 USC 3809

CFR Citation: 40 CFR 27

Legal Deadline: Statutory, April 21, 1987.

Abstract: These regulations will implement the Program Fraud Civil Remedies Act of 1986, Pub. L. No 99-509. They (1) establish administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to the Environmental Protection Agency, and (2) specify the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2410

FTS:8-475-6660

Agency Contact: Marla Diamond, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of General Counsel (LE-132I), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, **202 475-6660**

RIN: 2020-AA11

2955. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None.

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will establish the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. The revisions will reflect our experiences to date under Section 404(c), and more clearly address use of 404(c) in advance of a specific proposed discharge.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: SAR No. 2196.

FTS: 8-382-5043

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Water, Office of Wetlands Protection, (A-104), Washington, DC 20460, **202 382-5043**

RIN: 2040-AB20

2956. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None.

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

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Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 2195.

FTS: 8-382-5460

Agency Contact: Jane Roemer, Office of General Counsel, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020-AA06

2957. ● AMENDING REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION REFORM ACT OF 1986

Legal Authority: FOIA

CFR Citation: 40 CFR 2

Legal Deadline: Statutory, April 2, 1987.

Abstract: These regulations will modify the rules and guidelines that implement the charging of fees and granting of fee waivers, amend the exemptions, and add the exclusions to reflect the amendments enacted by the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29045
NPRM Comment Period End	09/04/87	52 FR 29045
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2415

FTS: 8-382-5460

Agency Contact: Mary K. Adler, Environmental Protection Agency, General Counsel and Enforcement Counsel, 401 M St., SW, Washington, DC 20460, **202 382-5460**

RIN: 2020-AA12

2958. ● AMENDING REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION REFORM ACT OF 1986

Legal Authority: FOIA

CFR Citation: 40 CFR 2

Legal Deadline: Statutory, April 2, 1987.

Abstract: These regulations will modify the rules and guidelines that implement the charging of fees and granting of fee waivers, amend the exemptions, and add the exclusions to reflect the amendments enacted by the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29045
NPRM Comment Period End	09/04/87	52 FR 29045
Final Action	10/00/87	

Small Entity: No

Additional Information:

SAR No. 2415

FTS:8-382-5460

Agency Contact: Mary K. Adler, Environmental Protection Agency, Water, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2040-AB37

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Final Rule Stage

2959. REGULATIONS FOR THE FEDERAL CLAIMS COLLECTION ACT

Legal Authority: 31 USC 3711

CFR Citation: 40 CFR 13

Legal Deadline: None.

Abstract: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	
Interim Final Rule	12/00/87	

Small Entity: No

Additional Information: SAR No. 1825.

FTS: 8-382-4548.

Agency Contact: Ray Spears, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-4548**

RIN: 2020-AA01

2960. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANT FROM THE EPA(REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None.

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/01/81	46 FR 2306
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2218.

FTS: 8-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA07

2961. NOTICE REQUIREMENTS FOR CITIZEN SUITS UNDER THE SDWA

Legal Authority: 42 USC 300j-8 /SDWA 1449

CFR Citation: 40 CFR 135

Legal Deadline: None.

Abstract: These regulations will specify on whom the notice of intent to file suit should be served, the manner of service, the addresses of such persons, and the contents of the notice. These regulations are similar to those implementing the notice provisions of the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA).

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 29426
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: SAR No. 2307.

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FTS:8-382-7706

Agency Contact: Margaret Silver, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132W), Washington, D.C. 20460, **202 382-7706**

RIN: 2020-AA10

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General **Completed Actions**

2962. NONDISCRIMINATION ON THE BASIS OF HANDICAP FOR PROGRAMS CONDUCTED BY EPA

CFR Citation: 40 CFR 12

Completed:

Reason	Date	FR Cite
Final Action	08/14/87	52 FR 30598

Small Entity: No

Agency Contact: Nereid Maxey 202 382-4567

RIN: 2020-AA05

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Monday
October 26, 1987

Part XXI

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR Part 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Dianna B. Johnston, Acting Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 2401 "E" Street, NW., Washington, DC 20507; telephone (202) 634-7581.

SUPPLEMENTARY INFORMATION: The Commission identified sixteen current and projected rulemakings for inclusion in the agenda. Ten are currently under development or review by Commission staff. Three are currently in effect as interim regulations. Two of the listings have been circulated as NPRMs and one regulation has been approved in final for submission to OMB.

Signed in Washington, DC, this 28th day of August, 1987.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2963	Equal Employment in the Federal Government; Processing of Complaints Filed under the Equal Pay Act	3046-AA16

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2964	Uniform Guidelines on Employee Selection Procedures	3046-AA00
2965	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
2966	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
2967	Equal Employment Opportunity in the Federal Government: Handicap	3046-AA23
2968	Uniform Guidelines on Employee Selection Procedures	3046-AA24
2969	Enforcement of Nondiscrimination on the Basis of Handicap in Equal Employment Opportunity Commission Programs	3046-AA30
2970	Pension Accruals and Contributions Under ADEA	3046-AA31

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2971	Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717	3046-AA06
2972	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
2973	Equal Employment in the Federal Government; Allegations of Reprisal	3046-AA13
2974	Equal Employment Opportunity in the Federal Government; Mixed Case Complaints	3046-AA14
2975	Equal Employment Opportunity in the Federal Government; EEO Complaint Processing and EEO Appeals	3046-AA17
2976	Interpretative Bulletin on Employee Benefit Plans	3046-AA18

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2977	Coverage of Apprenticeship Programs under the Age Discrimination in Employment Act	3046-AA21
2978	Administrative Exemption Allowing for Waivers Under the ADEA	3046-AA28

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Prerule Stage

2963. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; PROCESSING OF COMPLAINTS FILED UNDER THE EQUAL PAY ACT

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 204(f) Fair Labor Standards Act of 1938, as amended; 29 USC 206(d) Fair Labor Standards Act of 1938, as amended

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act. Under development.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-6592**

RIN: 3046-AA16

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Proposed Rule Stage

2964. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None.

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under E.O. 12067.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA24.

Agency Contact: Philip Lyons, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, **202 634-6700**

RIN: 3046-AA00

2965. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Agency Priority

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1614, (Proposed)

Legal Deadline: None.

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Federal Sector Programs, Equal Employment Opportunity Commission, **202 634-6753**

RIN: 3046-AA11

2966. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None.

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/13/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-7643**

RIN: 3046-AA22

2967. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT: HANDICAP

Significance: Regulatory Program

Legal Authority: 29 USC 701 et seq Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.701 et seq

Legal Deadline: None.

Abstract: The Commission is considering alternative ways of resolving various interpretative issues involving the definition of handicapped persons used in its section 501 regulations. One alternative would be

EEOC **Proposed Rule Stage**

to amend the definitions in the regulation itself. The purpose of these revisions would be to clarify the scope of the definitions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Richard D. Komer, Legal Counsel, Equal Employment Opportunity Commission, **202 634-6460**

RIN: 3046-AA23

2968. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None.

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
NPRM	12/00/87	

Small Entity: No

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00 Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

Agency Contact: Philip Lyons, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, **202 634-6700**

RIN: 3046-AA24

2969. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 1615, Proposed

Legal Deadline: None.

Abstract: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Equal Employment Opportunity Commission.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: The Commission has submitted the proposed rule to the Department of Justice for final review pursuant to Executive Order 12250.

Government Levels Affected: Federal

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination & Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-7643**

RIN: 3046-AA30

2970. PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

Legal Deadline: Statutory, January 31, 1988.

Abstract: Regulations, as may be necessary, to carry out congressional enactments regarding Pension Accruals and Contributions under ADEA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-7643**

RIN: 3046-AA31

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Final Rule Stage

2971. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; REMEDIAL RELIEF UNDER SECTION 717

Legal Authority: 42 USC 2000e-16 Section 717 of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: Interim amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/80	45 FR 24130
Interim Regulations effective	04/11/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-6592**

RIN: 3046-AA06

EEOC

Final Rule Stage

2972. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None.

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250, and from OMB under E.O. 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination and Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-7643**

RIN: 3046-AA10

2973. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; ALLEGATIONS OF REPRISAL

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: Development of procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints. Staff draft transmitted to Federal agencies for comments, Sept. 1982. Published as interim regulations; now preparing to publish for adoption as final regulations.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	48 FR 19705
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Federal Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, **202 634-6753**

RIN: 3046-AA13

2974. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; MIXED CASE COMPLAINTS

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: Development of procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints). Staff draft transmitted to Federal agencies for comments, Sept. 1982. Published as interim regulations; now preparing to publish for adoption as final regulations.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Federal Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, **202 634-6753**

RIN: 3046-AA14

2975. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; EEO COMPLAINT PROCESSING AND EEO APPEALS

Legal Authority: 42 USC 2000e-16 Sec 717 of Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act; 5 USC 7121 Civil Service Reform Act of 1978

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: The proposed notice incorporates EEOC's remedies' policy into the federal sector regulations and makes other changes in complaints processing. In addition, it addresses the processing of federal sector EEO appeals on the questions of finality, requests to reopen, compliance with, enforcement of, and clarity of Commission decisions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29482

Next Action Undetermined

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of the Legal Counsel, Equal Employment Opportunity Commission, **202 634-6592**

RIN: 3046-AA17

2976. INTERPRETATIVE BULLETIN ON EMPLOYEE BENEFIT PLANS

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.10

Legal Deadline: None.

Abstract: In response to a court order, the Commission has published a proposed rule that would require continued pension contributions and accruals for persons working beyond normal retirement age. The court also ordered publication of a final rule but that part of the order was reversed by the court of appeals. The Commission will further study the issues to determine whether additional rulemaking is appropriate.

EEOC **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Publication of Request for Comments	09/15/83	
Completion of Regulatory Impact Analysis	07/24/86	
NPRM	04/02/87	52 FR 10584
Commission to determine if rulemaking appropriate	00/00/00	

Small Entity: Yes

Analysis: Regulatory Impact Analysis

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046-AA18

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Completed Actions

2977. COVERAGE OF APPRENTICESHIP PROGRAMS UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT

CFR Citation: 29 CFR 1625.13; 29 CFR 1625.21

Completed:

Reason	Date	FR Cite
EEOC voted to retain current regs excluding bona fide apprenticeship programs from ADEA coverage	07/30/87	52 FR 33609

Small Entity: No

Agency Contact: Joseph N. Cleary 202 634-6743

RIN: 3046-AA21

2978. ADMINISTRATIVE EXEMPTION ALLOWING FOR WAIVERS UNDER THE ADEA

CFR Citation: 29 CFR 1627.16(c)

Completed:

Reason	Date	FR Cite
Final Action	08/27/87	52 FR 32293

Small Entity: No

Agency Contact: Joseph N. Cleary 202 634-7643

RIN: 3046-AA28

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federal register

Monday
October 26, 1987

Part XXII

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period October 1, 1987 to October 1, 1988.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact Susan Kantor Bank, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3973. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 et seq.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601 et seq., this agenda describes current and projected regulations, and regulations which will be under review during the period October 1, 1987 to October 1, 1988. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published April 27, 1987 at 52 FR 14930.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations, and organizational and management matters.

Dated: August 27, 1987.

Spence W. Perry,

General Counsel.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2979	Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas	3067-AA32
2980	Policy Guidance and Delegation of Authorities for Use of Priorities and Allocations to Maximize Domestic Energy Supplies	3067-AA33
2981	Use of Priorities and Allocation Authority for Federal Supply Classification (FSC) Common Use Items (DMO-12)	3067-AA34
2982	General Policies for Strategic and Critical Materials Stockpiling (DMO-11)	3067-AA35
2983	Policy on Use of Government-Owned Industrial Plant Equipment by Private Industry (DMO-10A)	3067-AA36
2984	Policy Guidance for a National Emergency Blood Program	3067-AA37
2985	Emergency Health and Medical Occupations	3067-AA38
2986	National Security Policy Governing Scientific and Engineering Manpower (DMO-5)	3067-AA43
2987	Guidance on Priority Use of Resources in Immediate Post Attack Period (DMO-4)	3067-AA44
2988	Defense Production Priorities and Allocations Authority	3067-AA45
2989	Maintenance of the Mobilization Base	3067-AA46
2990	Dispersion and Protective Construction: Policy, Criteria Responsibilities (DMO-1)	3067-AA47
2991	Comprehensive Cooperative Agreement (CCA) Policies, Procedures, and Associated Programs	3067-AB18

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2992	Nondiscrimination in Federally-Assisted Programs	3067-AA00
2993	State Assistance Programs for Training and Education in Comprehensive Emergency Management	3067-AA70
2994	Review and Approval of State and Local Emergency Response Plans	3067-AA76
2995	Radiological Emergency Planning and Preparedness	3067-AA77
2996	Permanent Relocation Assistance	3067-AA84
2997	Reimbursement of Other Federal Agencies	3067-AA92
2998	Flood Insurance Rating System Changes	3067-AA98
2999	Disaster Preparedness Assistance	3067-AB05
3000	National Flood Insurance Program Redefinition of Coastal High Hazard Area	3067-AB08
3001	National Flood Insurance Program Changes	3067-AB09

FEMA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3002	Criteria for Hurricane Preparedness Assistance to State and Local Governments	3067-AB11
3003	Flood Insurance Subsidized Rate Change	3067-AB12
3004	Civil Defense: State and Local Emergency Management Assistance Program (EMA)	3067-AB14
3005	Nondiscrimination in Federally Assisted Programs on the Basis of Age	3067-AB16
3006	Changes in NFIP Regulations for Write-Your-Own Program	3067-AB17

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3007	Nondiscrimination on the Basis of Handicap in FEMA	3067-AA42
3008	Temporary Relocation Assistance - Superfund	3067-AA72
3009	Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	3067-AA90
3010	Community Disaster Loans	3067-AA95
3011	Criteria for Earthquake Hazards Reduction Assistance to State and Local Governments	3067-AA99
3012	Changes in National Flood Insurance Program Commissions to Insurance Agents	3067-AB10
3013	Federal Crime Insurance Program	3067-AB13

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3014	Superfund Cost Share Eligibility Criteria for Permanent and Temporary Relocation	3067-AA83
3015	National Flood Insurance Program Changes	3067-AA96
3016	Flood Insurance Rate Changes	3067-AA97

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Prerule Stage

2979. PRESERVATION OF THE MOBILIZATION BASE THROUGH THE PLACEMENT OF PROCUREMENT AND FACILITIES IN LABOR SURPLUS AREAS

Legal Authority: EO 10480; EO 12148

CFR Citation: 44 CFR 331

Legal Deadline: None.

Abstract: This part sets policy and makes assignments with respect to award of contracts, etc. in labor surplus areas for purposes of preserving the mobilization base.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA32

2980. POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

Legal Authority: 50 USC 2061 et seq; PL 94-163, Sec 104

CFR Citation: 44 CFR 330

Legal Deadline: None.

Abstract: This regulation establishes policy guidance on determination and use of priorities and allocations for materials and equipment to maximize domestic energy supplies pursuant to section 101(c) of the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA33

FEMA

Prerule Stage

2981. USE OF PRIORITIES AND ALLOCATION AUTHORITY FOR FEDERAL SUPPLY CLASSIFICATION (FSC) COMMON USE ITEMS (DMO-12)

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 329

Legal Deadline: None.

Abstract: This part provides policy guidance concerning the use of priorities and allocations authority in Title I of Defense Production Act for the procurement of common use items in the Federal Supply Classification.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA34

2982. GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING (DMO-11)

Legal Authority: 50 USC 98 et seq

CFR Citation: 44 CFR 328

Legal Deadline: None.

Abstract: This part sets forth policies for the administration of strategic and critical materials stockpiling under the Strategic and Critical Materials Stock Piling Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA35

2983. POLICY ON USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT BY PRIVATE INDUSTRY (DMO-10A)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 327

Legal Deadline: None.

Abstract: This part establishes policy on use by private industry of Government-owned industrial plant equipment to maintain a reserve of such equipment for emergency preparedness.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA36

2984. POLICY GUIDANCE FOR A NATIONAL EMERGENCY BLOOD PROGRAM

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 326

Legal Deadline: None.

Abstract: This regulation prescribes objectives, policies and responsibilities of the National Emergency Blood Program.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA37

2985. EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Legal Authority: 50 USC App 2061; EO 11490

CFR Citation: 44 CFR 325

Legal Deadline: None.

Abstract: This regulation lists emergency health and medical occupations in support of functions under Executive Order Assigning Emergency Preparedness Functions.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA38

2986. NATIONAL SECURITY POLICY GOVERNING SCIENTIFIC AND ENGINEERING MANPOWER (DMO-5)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 324

Legal Deadline: None.

Abstract: This part provides policy on the training and utilization of the scientific and engineering workforce as it affects national security.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA43

2987. GUIDANCE ON PRIORITY USE OF RESOURCES IN IMMEDIATE POST ATTACK PERIOD (DMO-4)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 323

Legal Deadline: None.

Abstract: This regulation states policy on use of resources in a post attack period and provides general guidance for Federal, State and local governments on activities to be accorded priority in use of resources, and lists items essential to national survival.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

FEMA

Prerule Stage

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA44

2988. DEFENSE PRODUCTION PRIORITIES AND ALLOCATIONS AUTHORITY

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 322

Legal Deadline: None.

Abstract: This regulation establishes policy guidance and delegates authority with respect to priorities and allocation functions in the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA45

2989. MAINTENANCE OF THE MOBILIZATION BASE

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 321

Legal Deadline: None.

Abstract: This regulation deals with policies concerning the mobilization base for Department of Defense, Department of Energy, and Maritime Administration and includes procedures relating to selection and maintenance of the base.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA46

2990. DISPERSION AND PROTECTIVE CONSTRUCTION: POLICY, CRITERIA RESPONSIBILITIES (DMO-1)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 320

Legal Deadline: None.

Abstract: This regulation establishes policy and criteria to encourage dispersal of facilities important to the national security and that these be located so as to reduce the risk of damage in event of attack.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Assistant Associate Director, Office of Mobilization Preparedness, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3544

RIN: 3067-AA47

2991. ● COMPREHENSIVE COOPERATIVE AGREEMENT (CCA) POLICIES, PROCEDURES, AND ASSOCIATED PROGRAMS

Legal Authority: 50 USC 2286; 50 USC 2251; 42 USC 5121; 42 USC 5151; 42 USC 7701; 42 USC 4001; PL 95-224; PL 96-295; PL 99-499; PL 93-288; PL 95-124; PL 90-488; PL 93-234; PL 90-577; EO 12148

CFR Citation: 44 CFR 305; 44 CFR 302; 44 CFR 360; 44 CFR 301; 5 CFR 900

Legal Deadline: None.

Abstract: The comprehensive aspect of the CCA process itself was not created by legislation or even by regulation; Presidential emphasis on grants consolidation and FEMA policy on integrating programs created the CCA. The cooperative agreement aspect of the CCA process is based on PL 95-224, the Federal Grant and Cooperative Agreement Act of 1977. Cooperative agreements are used when stimulating a public purpose (the multiple programs delivered in each CCA are aimed at stimulating public purposes, primarily civil defense). The Federal Civil Defense Act of 1950, as amended, authorizes the major portion of CCA programs and assistance dollars, and is therefore the major legislative authority underpinning the CCA process. Various Civil Preparedness Guides, primarily CPG 1-38 and CPG 1-3 address the CCA process and associated programs. However, a regulation would provide complete notice to States and interested parties and complete the policy and procedural requirements identified by the Office of General Counsel. Specific quantitative estimates cannot be cited. However, the use of FEMA funds for CCA associated programs could be substantially improved as a (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	01/15/88	
ANPRM Comment Period End	07/15/88	

Small Entity: No

Additional Information: ABSTRACT CONT: result of regulatory authority.

Agency Contact: Nancy J. Holt, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3505

RIN: 3067-AB18

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Proposed Rule Stage

2992. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None.

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The Notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	
NPRM Comment Period End	01/01/88	
Interim Final Rule	03/01/88	

Small Entity: No

Agency Contact: John R. Curran, Sr., Director, Office of Personnel & Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3962**

RIN: 3067-AA00

2993. STATE ASSISTANCE PROGRAMS FOR TRAINING AND EDUCATION IN COMPREHENSIVE EMERGENCY MANAGEMENT

Legal Authority: Reorganization Plan No. 3, 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 360

Legal Deadline: None.

Abstract: This regulation revises existing regulation governing the State Assistance Program for Training and Education in Comprehensive Emergency Management to reflect program and administrative changes occurring since issuance of the regulation in 1981.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Robert T. Petersen, Deputy Superintendent, Emergency Management Institute, Federal Emergency Management Agency, Emmitsburg, MD 21727, **301 447-6771**

RIN: 3067-AA70

2994. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC App. 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None.

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	
NPRM Comment Period End	03/15/88	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State and Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4131**

RIN: 3067-AA76

2995. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None.

Abstract: Updates regulations which set out Federal Agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological accidents at commercial nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	
NPRM Comment Period End	12/31/87	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State & Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4131**

RIN: 3067-AA77

2996. PERMANENT RELOCATION ASSISTANCE

Significance: Regulatory Program

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 221

Legal Deadline: None.

Abstract: This part prescribes the policies to be followed by the Federal Emergency Management Agency or any State or local government when implementing permanent relocation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Agency Contact: Charles D. Robinson, Chief, Superfund & Relocation Assistance Br., Disaster Assistance Program, SLPS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3805**

RIN: 3067-AA84

2997. REIMBURSEMENT OF OTHER FEDERAL AGENCIES

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart I

Legal Deadline: None.

Abstract: This updates the existing regulation which specifies procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	08/21/85	50 FR 33783
NPRM Comment Period End	10/21/85	
NPRM	01/31/88	
NPRM Comment Period End	02/28/88	
Final Action	03/31/88	

FEMA

Proposed Rule Stage

Small Entity: No

Agency Contact: John F. Guerre, Emergency Management Specialist, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street, SW, Washington, DC 20472, **202 646-3675**

RIN: 3067-AA92

2998. FLOOD INSURANCE RATING SYSTEM CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None.

Abstract: National Flood Insurance Program premium rating system changes under consideration include a community rating system and a system to use revised FIRM's producing higher rates for existing policyholders, subject to a rate cap. The community rating system would be designed to recognize circumstances within local communities that mitigate or exacerbate the flooding risk, such as the inaction of a community in addressing flood problems or the performance of a community that goes beyond minimum NFIP floodplain management requirements. The use of revised FIRM's for existing policyholders would replace the current practice of allowing premium rates for such policyholders to be based on the map in existence at the time of construction so long as the construction met the requirements at that time.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24482
ANPRM Comment Period End	08/31/87	
NPRM	11/30/88	
NPRM Comment Period End	01/29/89	
Final Action	08/01/89	
Final Action Effective	10/01/89	

Small Entity: No

Agency Contact: Francis V. Reilly, Deputy Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2782**

RIN: 3067-AA98

2999. DISASTER PREPAREDNESS ASSISTANCE

Legal Authority: 42 USC 5121 et seq; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 300

Legal Deadline: None.

Abstract: This regulation revises and makes technical corrections to the regulations governing assistance under title II of the Disaster Relief Act of 1974.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dan Sullivan, Emergency Management Specialist, Federal Emergency Management Agency, Off. of Disaster Assistance Programs, State & Local Programs Directorate, 500 C Street, SW, Washington, DC 20472, **202 646-3666**

RIN: 3067-AB05

3000. NATIONAL FLOOD INSURANCE PROGRAM REDEFINITION OF COASTAL HIGH HAZARD AREA

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59

Legal Deadline: None.

Abstract: The proposed rule would modify the definition of "coastal high hazard area" at 44 CFR 59.1 to include the primary frontal dune on barrier islands and other sandy shorelines exposed to the open coast. Including primary frontal dunes in the definition of coastal high hazard areas would recognize their inherent susceptibility to flood and erosion hazards during major coastal storms. Classification of these dunes as VE zones on Flood Insurance Rate Maps would assure that adequate insurance rates are assessed and that the construction standards, appropriate to the hazards, are imposed should new construction on the primary frontal dunes be permitted by State or local ordinances.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
NPRM Comment Period End	01/29/88	
Final Action	08/01/88	
Final Action Effective	10/01/88	

Small Entity: No

Agency Contact: Brian R. Mrazik, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2766**

RIN: 3067-AB08

3001. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 61; 44 CFR 72

Legal Deadline: None.

Abstract: Possible changes to the NFIP regulations include changes in the standard flood insurance policy, a change to flood plain management standards by specifying criteria under which communities may permit flood plain and floodway developments which would increase base flood elevations and the procedures to be followed in revising maps when these situations occur, a change to flood plain management standards by providing criteria which clarify a community's responsibilities with regard to the maintenance of altered water courses, a change to the procedures for map correction under the provisions of 44 CFR 70.3 by correcting an inconsistency with a subsequent section, and a change in the fee exemption provisions of 44 CFR 72.5 to give the Administrator discretion in waiving fees associated with the review of proposed projects that, when completed, could result in a NFIP map revision.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
NPRM Comment Period End	01/29/88	
Final Action	07/01/88	
Final Action Effective	10/01/88	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C

Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AB09

3002. CRITERIA FOR HURRICANE PREPAREDNESS ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: 42 USC 5131; 50 USC App. 2251 to 2297; EO 12148; EO 12381

CFR Citation: 44 CFR 362

Legal Deadline: None.

Abstract: Under PL 93-288, the Federal Emergency Management Agency provides financial and technical assistance to States and local governments in their hurricane preparedness planning. Except for some instances, FEMA has provided 100 percent funding to designated States that have high risk hurricane hazard areas for the development of population preparedness and property protection studies. This proposed rulemaking will establish a plan for having States share the cost of these activities. These changes to 44 CFR 300.6 will affect only the hurricane preparedness portion of this rule; the earthquake hazards reduction portion will be revised in a separate concurrent rulemaking effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: **Richard Krimm**, Assistant Associate Director, Office of Natural & Technological Hazards Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2871**

RIN: 3067-AB11

3003. FLOOD INSURANCE SUBSIDIZED RATE CHANGE

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None.

Abstract: FEMA has determined that there is an imbalance between the general taxpayers and the NFIP policyholders in shouldering the costs of the NFIP that should be rectified by the policyholders, the direct Program beneficiaries, bearing more of the costs. The proposed rule would increase the chargeable (subsidized) premium rates, which apply to all structures in communities participating in the emergency program of the National Flood Insurance Program and to certain structures in communities in the regular program.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
NPRM Comment Period End	01/29/88	
Final Action	08/01/88	
Final Action Effective	10/01/88	

Small Entity: No

Agency Contact: **Howard Leikin**, Special Assistant, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2784**

RIN: 3067-AB12

3004. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

Legal Authority: 50 USC (App) 2253; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Legal Deadline: None.

Abstract: Changes within existing regulation to delete one allocation formula factor.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/30/87	
Interim Final Rule	12/30/87	
Final Action	01/29/88	
Final Action Effective	02/29/88	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: **John McKay**, Chief, Emergency Management Systems Development Division, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4252**

RIN: 3067-AB14

3005. ● NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS ON THE BASIS OF AGE

Legal Authority: 42 USC 6103

CFR Citation: 44 CFR 7, Subpart E

Legal Deadline: None.

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of the Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
NPRM Comment Period End	12/01/87	
Final Action	01/00/88	
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: **Alan Clive**, Equal Employment Manager, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3957**

RIN: 3067-AB16

3006. ● CHANGES IN NFIP REGULATIONS FOR WRITE-YOUR-OWN PROGRAM

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61; 44 CFR 62

Legal Deadline: None.

Abstract: Possible changes to the National Flood Insurance Program regulations governing the Write-Your-Own (WYO) Program include changes in the provisions on investing funds, remitting excess funds, audits of WYO companies, State or municipal taxes, loss adjustment expenses, and termination of WYO arrangements.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	
NPRM Comment Period End	01/05/88	
Final Action	04/15/88	
Final Action Effective	05/15/88	

Small Entity: No

FEMA

Proposed Rule Stage

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AB17

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Final Rule Stage

3007. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEMA

Legal Authority: 29 USC 794

CFR Citation: 44 CFR 16

Legal Deadline: None.

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of section 504 of the Rehabilitation Act of 1973, as amended in 1978 to include activities conducted directly by Federal agencies. A draft regulation has been prepared and submitted to the Department of Justice and the Equal Employment Opportunity Commission for review.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25124
Interim Final Rule	07/15/87	
NPRM Comment Period End	08/31/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: John R. Curran, Sr., Director, Office of Personnel & Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3962**

RIN: 3067-AA42

3008. TEMPORARY RELOCATION ASSISTANCE - SUPERFUND

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 220

Legal Deadline: None.

Abstract: This part prescribes policy and program guidance to be followed when implementing temporary relocation assistance under the Comprehensive Environmental Response, Compensation and Liability Act, 1980 (CERCLA) Superfund.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 20995
NPRM Comment Period End	08/11/86	
Begin Review	10/01/86	
End Review	04/30/87	
Final Action	09/01/87	

Small Entity: No

Agency Contact: Karen Forbes, Emergency Management Specialist, Federal Emergency Management Agency, Room 701, 500 C Street, SW, Washington, DC 20472, **202 646-3807**

RIN: 3067-AA72

3009. ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 13

Legal Deadline: None.

Abstract: This part will establish uniform administrative rules for Federal grants and cooperative agreements to State and local governments and federally recognized Indian Tribal governments. These will be common regulations issued with other government agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21820
NPRM Comment Period End	08/10/87	
Final Action	00/00/00	

Small Entity: No

Additional Information: Revision of A-102 subject to common rule published by the Office of Management and Budget.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Arthur Curry, Chief, Policy Division, Off. of Comptroller, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3718**

RIN: 3067-AA90

3010. COMMUNITY DISASTER LOANS

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart F

Legal Deadline: None.

Abstract: To provide FEMA policies and procedures for administering the Community Disaster Loan Program under section 414, PL 93-288.

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15348
NPRM Comment Period End	06/29/87	
Final Action	09/01/87	

Small Entity: No

Government Levels Affected: Local

Agency Contact: Gene Morath, Program Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3683**

RIN: 3067-AA95

3011. CRITERIA FOR EARTHQUAKE HAZARDS REDUCTION ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Significance: Regulatory Program

Legal Authority: EO 12148; EO 12381; 42 USC 7701 et seq

CFR Citation: 44 CFR 361

Legal Deadline: None.

Abstract: The National Earthquake Hazards Reduction Act of 1977 provides for Federal assistance to States and local units of government to support earthquake hazards reduction activities. With but two exceptions, FEMA has provided 100 percent funding to States on an annual basis for their earthquake hazards reduction programs. This proposed rulemaking will establish a plan for having States share the cost of these activities. The proposed rule also identifies criteria for identifying those

FEMA **Final Rule Stage**

areas eligible for funding assistance, and defines eligible earthquake hazards reduction activities. These changes to 44 CFR 3006 will affect only the earthquake preparedness portion of this rule; the hurricane preparedness portion will be revised in a separate rulemaking effort.

Timetable:

Action	Date	FR Cite
NPRM	07/06/87	52 FR 25257
NPRM Comment Period End	08/05/87	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: Richard W. Krimm, Assistant Associate Director, Office of Natural & Technological Hazards Program, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2871**

RIN: 3067-AA99

3012. CHANGES IN NATIONAL FLOOD INSURANCE PROGRAM COMMISSIONS TO INSURANCE AGENTS

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 62

Legal Deadline: None.

Abstract: Changes under consideration would increase the insurance agents' commission on new NFIP policies and decrease the commission on direct bill renewals, resulting in an overall decrease in the average commission.

Timetable:

Action	Date	FR Cite
NPRM	05/20/87	52 FR 18929
NPRM Comment Period End	07/27/87	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AB10

3013. FEDERAL CRIME INSURANCE PROGRAM

Legal Authority: 12 USC 1749bbb-17

CFR Citation: 44 CFR 80; 44 CFR 81; 44 CFR 82; 44 CFR 83

Legal Deadline: None.

Abstract: These revisions to the Federal Crime Insurance Program are proposed to achieve the following: redefine the definition of "burglary" under the residential policy; revise residential crime insurance rates to permit the purchase of crime insurance in increments of $1,000, up to the maximum limit of $10,000; permit a premium discount on the residential policy for the installation of an alarm system; revise the classification and alarm requirements of several commercial risks; raise the commercial crime insurance limits of coverage from $15,000 to $30,000 for each insured premises; eliminate coverage for loss from a night depository in a bank; and require the payment of an installment service charge on policies where the annual premium is not paid in full at the time of application.

Timetable:

Action	Date	FR Cite
NPRM	05/08/87	52 FR 17415
NPRM Comment Period End	07/15/87	
Final Action	08/21/87	
Final Action Effective	09/20/87	

Small Entity: No

Agency Contact: Robert J. DeHenzel, Chief, Urban Property Insurance Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3440**

RIN: 3067-AB13

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Completed Actions

3014. SUPERFUND COST SHARE ELIGIBILITY CRITERIA FOR PERMANENT AND TEMPORARY RELOCATION

CFR Citation: 44 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	03/05/87	52 FR 6799
Final Action Effective	04/06/87	52 FR 6799

Small Entity: No

Agency Contact: Karen Forbes 202 646-3807

RIN: 3067-AA83

3015. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 77

Completed:

Reason	Date	FR Cite
Final Action	04/29/87	52 FR 15498
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067-AA96

3016. FLOOD INSURANCE RATE CHANGES

CFR Citation: 44 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	02/27/87	52 FR 5977
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067-AA97

[FR Doc. 87-21793 Filed 10-23-87; 8:45 am]

BILLING CODE 6718-01-T

Federal Register

Monday
October 26, 1987

Part XXIII

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six month period from October 1987 to April 1988. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, (202) 653-5305.

Jack Johnson,

Executive Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Prerule Stage

3017. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Legal Deadline: None.

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR Part 1404. The Service will have completed its initial draft by April 1988. A proposed rule will be published soon thereafter and public comments solicited.

Timetable:

Action	Date	FR Cite
End Review	10/00/87	
NPRM	05/00/88	

Small Entity: No

Agency Contact: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, DC 20427, **202 653-5305**

RIN: 3076-AA01

[FR Doc. 87-21547 Filed 10-23-87; 8:45 am]

BILLING CODE 6732-01-T

federal register

Monday
October 26, 1987

Part XXIV

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 105, and 201

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1987. This agenda was developed under the guidelines in OMB Bulletin 87-16, dated June 25, 1987. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Reports Management Branch (202) 566-0666.

SUPPLEMENTARY INFORMATION: None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291, Federal Regulations.

Dated: August 27, 1987.

Paul Trause,

Acting Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3018	Utilization, Donation, and Disposal of Foreign Gifts and Decoration	3090-AC85
3019	Prepayment Transportation Audit Procedures	3090-AC92
3020	Federal Property Management Regulations; Annual Real Property Inventories	3090-AC74

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3021	General Services Administration Acquisition Regulation Change Subpart 46.7	3090-AB82
3022	General Services Administration Acquisition Regulation, Change Receipt of Proposals and Quotations	3090-AB83
3023	General Services Administration Acquisition Regulation Change Part 501	3090-AB86
3024	Buy American Act - Construction Materials (GSAR 5-131)	3090-AC37
3025	Miscellaneous Changes on the Acquisition of Leasehold Interests in Real Property (GSAR 5-155)	3090-AC59
3026	Contract Closeout Procedures (GSAR 5-96)	3090-AC67
3027	Multiyear Contracts and Contracts with Options (GSAR 5-106)	3090-AC68
3028	Small Business Subcontracting Plans (GSAR 5-122)	3090-AC69
3029	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
3030	Revision of Acquisition and Management Provisions regarding the Changing Telecommunication Marketplace, including the Detariffing of Customer Premises Equipment (84.06A)	3090-AB08
3031	Establishment of Policies and Procedures for Federal Agencies' Management of Electronic Recordkeeping, Project 86.83A	3090-AC54
3032	Federal Advisory Committee Management	3090-AA62
3033	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
3034	Nondiscrimination on the Basis of Race, Color, National Origin, and where applicable, sex	3090-AC49

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3035	Supply Sources and Related Programs	3090-AA89
3036	General Services Administration Acquisition Regulation Change Part 519	3090-AB76
3037	Federal Procurement Data System (FPDS) Reporting Requirements (GSAR 5-113)	3090-AC56
3038	Multiple Award Schedule Program (GSAR 5-38A)	3090-AC61
3039	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
3040	Audit Procedures for Commercial Bills of Lading- Cost-Reimbursement-Type Contracts	3090-AC20
3041	National Defense Stockpile Disposal Regulations	3090-AA40
3042	Reporting of Excess Real Property - PCB	3090-AC90
3043	Donation of Personal Property	3090-AA23
3044	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3045	Acquisition and Use of Excess Personal Property	3090-AA30

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3046	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3047	Utilization and Disposal of Personal Property	3090-AA45
3048	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement (Unassigned)	3090-AC24
3049	Use of Cash for Official Travel (Temporary Regulation)	3090-AC91
3050	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement (Unassigned)	3090-AC93
3051	Revision of ADPE Reutilization Policies and Procedures Including Instructions for SF 120, Project 86.14A	3090-AC25
3052	Update of Governmentwide Policies and Regulations regarding Federal Employee use of Government Telephone Systems (87.14A)	3090-AC75
3053	Interim implementation of Pub. L. 99-500 Title VIII Brooks Act Amendment-Extension of Temporary Regulation	3090-AD01

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3054	Management of Buildings and Grounds	3090-AA69
3055	General Services Administration Acquisition Regulation (GSAR)- Small Business Technical Advisors	3090-AB39
3056	General Service Administration Acquisition Regulation, Bankruptcy, Insolvency or Dissolution of Business, Chge. 42	3090-AC72
3057	GSAR, Acquisition Circular AC-87-1, Comparison of Retirement Costs under OMB Circular A-76	3090-AC94
3058	GSAR, Change 39, Procedures for Voiding and Rescinding Contracts	3090-AC95
3059	GSAR, Change 41, Consulting Services and Communication Centers	3090-AC96
3060	GSAR, Chge. 44, Status report of orders and shipments	3090-AC97
3061	GSAR, Chge. 45, Suspension and Debarment	3090-AC98
3062	GSAR, Change 46, Commerce Business Daily Requirements	3090-AC99
3063	GSAR, Acquisition Circular AC-87-2, Annual Report from Federal Contractors	3090-AD00
3064	Department of Defense Reservist/Retiree Military Emergency Travel Warrant	3090-AA05
3065	Revision of Voucher and Schedule of Payments Standard Form 1166 Instructions	3090-AB97
3066	Revision of Standard Form 1203 - US Government Bill of Lading - Privately Owned Personal Property	3090-AC21
3067	Disposals to Public Agencies	3090-AB55
3068	Property for Correctional Facilities	3090-AB72
3069	Cost Effective Procurement of Personal Property	3090-AA95
3070	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (Unassigned)	3090-AC00
3071	Payment of Substitute Documents	3090-AC36
3072	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement 25	3090-AC38
3073	Change to Federal Travel Regulation (FTR), FPMR 101-7 Supplement 25	3090-AC42
3074	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement 24	3090-AC52
3075	FIRMR Implementation of the ADP Dispute Resolution Section of the Competition in Contracting Act of 1984 - Project 84.63A	3090-AB64
3076	Implementation of Federal Processing Standards (FIPS) and a Federal Telecommunications Standard (FED-STD) in FIRMR	3090-AC86
3077	Federal Employee Parking	3090-AA68

GENERAL SERVICES ADMINISTRATION (GSA)

Prerule Stage

FEDERAL SUPPLY AND SERVICES

3018. UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATION

Legal Authority: 40 USC 486(c); 5 USC 7342

CFR Citation: 41 CFR 101-49

Legal Deadline: None.

Abstract: This rule updates and revises GSA's policy and procedure concerning the utilization, donation, and disposal of foreign gifts and decorations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Mr. SStanley M. Duda, Director, General Services Administration, General Services ADministration, Property Management Division, Washington, DC 20406, 703 557-1240

RIN: 3090-AC85

GSA — Prerule Stage

3019. ● PREPAYMENT TRANSPORTATION AUDIT PROCEDURES

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101

Legal Deadline: None.

Abstract: This proposed rule implements Pub. L. 99-627 relating to prepayment audits of selected transportation bills. This rule also prescribes procedures, conditions, and limitations relevant to any delegation of authority to another agency for the purpose of conducting prepayment audits.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/87	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, Regulations, Procedures, and, Review Branch (FWCP), General Services Administration, 18th & F Streets, NW, Washington, DC 20405, 202 786-3065

RIN: 3090-AC92

PUBLIC BUILDINGS SERVICE

3020. FEDERAL PROPERTY MANAGEMENT REGULATIONS; ANNUAL REAL PROPERTY INVENTORIES

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None.

Abstract: This regulation will be reviewed and updated in light of the governmentwide space reductions initiatives mandated by Executive Order 12411-Government Work Space Management Reforms, Temporary Regulation D-71 and corresponding supplements, and Temporary Regulation D-73 on Quality Workplace Environment to assess the impact on real property inventories.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Judy Kraft, Acting Director, Governmentwide Policy Div., General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight (PG), Washington, DC 20405, 202 566-0507

RIN: 3090-AC74

GENERAL SERVICES ADMINISTRATION (GSA) — Proposed Rule Stage

ACQUISITION POLICY

3021. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 546

Legal Deadline: None.

Abstract: GSA to issue a GSAR amendment to implement and supplement the FAR Subpart 46.7 by providing agency policies and procedures on the use of Warranties.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB82

3022. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE RECEIPT OF PROPOSALS AND QUOTATIONS

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515; 48 CFR 552

Legal Deadline: None.

Abstract: GSA to issue a GSAR amendment which will (1) revise Section 515.411, Receipt of Proposals and Quotations, to require the use of the appropriate Business Service Center for receipt and safeguarding of proposals or quotations (except small purchases) unless an exemption is obtained; (2) amend Part 515 to establish a special Late Proposals provision for Multiple Award Federal Supply Schedules that will preclude an offeror from adding additional items to an offer after the time set for submission of offer; and (3) revise clause 552.210-78, Charges for Packaging and Packing.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Agency Contact: Margorie Ashby, Management Analyst Analyst, General Services Administration, GSA Acquistion Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB83

3023. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 501

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501

Legal Deadline: None.

Abstract: To issue a GSAR amendment to implement the requirements of the Competition Enhancement Act of 1984 (Pub. L. 98-577) regarding publicizing proposed regulations in Part 501, General Services Administration Acquisition Regulations System.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy

and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-3822

RIN: 3090-AB86

3024. BUY AMERICAN ACT - CONSTRUCTION MATERIALS (GSAR 5-131)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525; 48 CFR 552

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to add sections that will address the method of evaluation of offers based on the use of non-domestic construction materials in construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	01/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Washington, DC 20405, 202 523-3822

RIN: 3090-AC37

3025. MISCELLANEOUS CHANGES ON THE ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY (GSAR 5-155)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 570

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to codify in the regulation the revised contract clauses approved for use in lease contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	01/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC59

3026. CONTRACT CLOSEOUT PROCEDURES (GSAR 5-96)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 504

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulations (GSAR) will be amended to implement one of the recommendations resulting from a Federal Procurement Reform study under Executive Order 12352 by providing agency procedures in Part 504.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	01/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC67

3027. MULTIYEAR CONTRACTS AND CONTRACTS WITH OPTIONS (GSAR 5-106)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 517

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to incorporate the deviation from FAR 52.217-1, Limitations of Price and Contractor Qualifications and FAR 52.217-2, Cancellation of Items; and to consider the applicability of FAR Part 17 to Federal Supply Service multiyear contracts and contracts with options.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC68

3028. SMALL BUSINESS SUBCONTRACTING PLANS (GSAR 5-122)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 519

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to include information and instructions regarding various types and need for subcontracting plans; and to insert a reference to reflect the applicability of Subpart 519.7 to leases of real property in Section 501.103(b).

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	01/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC69

OFFICE OF THE COMPTROLLER

3029. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None.

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor government-wide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Bobby Daniels, Accounting Specialists, General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight(PG), Washington, DC 20405, 202 566-1426

RIN: 3090-AB31

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3030. REVISION OF ACQUISITION AND MANAGEMENT PROVISIONS REGARDING THE CHANGING TELECOMMUNICATION MARKETPLACE, INCLUDING THE DETARIFFING OF CUSTOMER PREMISES EQUIPMENT (84.06A)

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201 to 21; 41 CFR 201 to 38; 41 CFR 201 to 39; 41 CFR 201 to 40

Legal Deadline: None.

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will update GSA policies and provisions impacting Government-wide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM FIRMR Amendment	11/00/87	

Small Entity: No

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090-AB08

3031. ESTABLISHMENT OF POLICIES AND PROCEDURES FOR FEDERAL AGENCIES' MANAGEMENT OF ELECTRONIC RECORDKEEPING, PROJECT 86.83A

Legal Authority: 40 USC 486(f); 40 USC 751(f)

CFR Citation: 41 CFR 201-22; 41 CFR 201-34; 41 CFR 201-45

Legal Deadline: None.

Abstract: This project establishes a new Subpart 201-45.2 in the FIRMR to establish the responsibilities of Federal agencies in their management of electronic recordkeeping. The responsibilities of the pertinent central management agencies, GSA and the National Archives and Records Administration, will be included.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Carolyn A. Thomas, Program Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090-AC54

OFFICE OF ORGANIZATION AND PERSONNEL

3032. FEDERAL ADVISORY COMMITTEE MANAGEMENT

Significance: Regulatory Program

Legal Authority: 5 USC App Federal Advisory Committee Act of 1972 as amended; EO 12024

CFR Citation: 41 CFR 101-6.10

Legal Deadline: None.

Abstract: This regulation will provide administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act (FACA), as amended. It fulfills GSA's responsibilities under FACA and Executive Order 12024 and will replace an interim final rule (48 FR 19324; April 28, 1983).

Timetable:

Action	Date	FR Cite
ANPRM	02/13/87	52 FR 4631
ANPRM Comment Period End	03/16/87	
NPRM	05/19/87	52 FR 18774
NPRM Comment Period End	09/17/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Charles F. Howton, Committee Management Specialist, General Services Administration, Committee Management Secretariat, Washington, DC 20405, 202 523-4884

RIN: 3090-AA62

3033. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119

CFR Citation: 41 CFR 105-8

Legal Deadline: None.

Abstract: The General Services Administration proposes this regulation to implement the above cited laws. These statutes prohibit discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: This proposed rule has been circulated internally and externally for comments. Comments have been received from the Equal Employment Opportunity Commission. We are still waiting for the Department of Justice's approval and comment on the regulation. Employment Opportunity Commission. The Department of Justice's comments on regulation with respect to GSA's role as the Federal Government landlord have been received. Comments regarding the

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program portion of the regulation have not been received. Comments regarding the program portion of the regulation were received on June 4, 1987 from the Department of Justice (DOJ). Reconciling of comments with Public Building Services and DOJ is presently occurring.

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, Equal Employment Specialist (CTC), General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, **202 566-1368**

RIN: 3090-AC48

3034. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-6.2

Legal Deadline: None.

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, **202 566-1368**

RIN: 3090-AC49

GENERAL SERVICES ADMINISTRATION (GSA) — Final Rule Stage

ACQUISITION POLICY

3035. SUPPLY SOURCES AND RELATED PROGRAMS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26

Legal Deadline: None.

Abstract: Part 101-26 prescribes policies and procedures for the procurement of personal property and nonpersonal services by Federal agencies from established Government supply sources. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	10/30/87	

Small Entity: No

Agency Contact: Donna M. Stright, Director, General Services Administration, Regulations and Policy Division (FFY), Washington, DC 20406, **703 557-1253**

RIN: 3090-AA89

3036. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 519

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 519

Legal Deadline: None.

Abstract: To issue a GSAR amendment in Part 519, Small Business and Small Disadvantaged Business Concerns, regarding the subcontracting plan reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/10/84	50 FR 14122
NPRM Comment Period End	05/10/84	
Final Action	09/21/87	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, **202 523-3822**

RIN: 3090-AB76

3037. FEDERAL PROCUREMENT DATA SYSTEM (FPDS) REPORTING REQUIREMENTS (GSAR 5-113)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 504; 48 CFR 553

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to incorporate the material currently in the Procurement Management Information System handbook into the regulation; the handbook provides guidance, procedures, and instructions on the preparation of various recurring procurement reporting requirements.The Federal Procurement Data System provides a comprehensive mechanism for assembling, organizing and presenting contract order, lease, schedule, and placement data for the Federal Government.

GSA

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Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC56

3038. MULTIPLE AWARD SCHEDULE PROGRAM (GSAR 5-38A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 538; 48 CFR 552

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation will be amended to revise Section 515.804-3 to add instructions on claiming and granting exemptions to the requirement for submission on cost or pricing data in the multiple award schedule (MAS) contracting process; to add Section 515.804-70 to provide the format of the discount schedule and marketing data sheets to be used in MAS solicitations; to add Part 538 to provide procedures on the GSA schedule contracting process; and to add Section 552.238-70 to provide text of the price reductions clause to be used in certain MAS solicitations and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 31344
Final Action	11/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC61

OFFICE OF THE COMPTROLLER

3039. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: This rule revises Public Voucher for Transportation Charges, Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Agency Contact: Gracie Jones, Transportation Specialist, General Services Administration, Regulations and Procedures Section (FWCP/R), Washington, DC 20405, 202 786-3007

RIN: 3090-AB69

3040. AUDIT PROCEDURES FOR COMMERCIAL BILLS OF LADING-COST-REIMBURSEMENT-TYPE CONTRACTS

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: This rule requires contractors doing business with the United States Government to submit cost reimbursement-type contract commercial bills of lading to GSA for audit.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27625
Final Action	11/00/87	

Small Entity: No

Agency Contact: Carolyn F. West, Transportation Specialist, General Services Administration, FWCP, Washington, DC 20405, 202 786-3025

RIN: 3090-AC20

FEDERAL PROPERTY RESOURCES SERVICE

3041. NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

Legal Authority: 50 USC 98; EO 12155

CFR Citation: 41 CFR 101-14.4

Legal Deadline: None.

Abstract: These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 USC 98 et seq. These regulations will be responsive to public sector, intergovernment and intragovernment comments reflecting on the lack of published regulations governing GSA's stockpile disposal policies and procedures.

Timetable:

Action	Date	FR Cite
Final Action	06/30/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Agency Contact: J. Wayne Kulig, Assistant Commissioner, General Services Administration, Office of National Defense Stockpile (DN), Washington, DC 20405, 202 535-7671

RIN: 3090-AA40

3042. ● REPORTING OF EXCESS REAL PROPERTY - PCB

Legal Authority: 40 USC 483(b)

CFR Citation: 41 CFR 101-47.202-2(b); 40 CFR 761

Legal Deadline: None.

Abstract: 41 CFR 101-47.202-2(b)(9) is added to require that certification be included in reports of excess real property to disclose the presence of any equipment containing polychlorinated biphenyls (PCB's) in the reported property and to assure that any such equipment will be maintained in compliance with the requirements of 40 CFR 761 unit disposal of the property.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

GSA

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Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Div. (DRP), General Services Administration, 18th & F Sts., NW, Washington, DC 20405, 202 535-7052

RIN: 3090-AC90

FEDERAL SUPPLY AND SERVICES

3043. DONATION OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-44.000; 41 CFR 101-44.001; 41 CFR 101-44.105; 41 CFR 101-44.106; 41 CFR 101-44.108; 41 CFR 101-44.112; 41 CFR 101-44.118; 41 CFR 101-44.120; 41 CFR 101-44.200; 41 CFR 101-44.204; 41 CFR 101-44.205; 41 CFR 101-44.207; 41 CFR 101-44.208; 41 CFR 101-44.4701; 41 CFR 101-44.4901-123; ...

Legal Deadline: None.

Abstract: This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs, biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution documents; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; and (9) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94-241, and the Congressional Reports Elimination Act of 1980 (Public Law 96-470). Its intent is to increase the efficiency and effectiveness of the donation program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Stanley M.Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA23

3044. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Legal Deadline: None.

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA24

3045. ACQUISITION AND USE OF EXCESS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Legal Deadline: None.

Abstract: A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by federal agencies and other authorized recipients.

Timetable:

Action	Date	FR Cite
Final Action	12/01/87	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA30

3046. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None.

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA42

3047. UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42; 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48

Legal Deadline: None.

Abstract: Parts 42-46 and Part 48 prescribe policies and procedures for the utilization and disposal of personal property by Federal agencies. A number of executive agencies have indicated that these parts need to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of these parts to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	10/30/87	

Small Entity: No

Agency Contact: Stanley M. Duda, Director, Property MGMT Div., General Services Administration, Property Management Division (FBP), Washington, DC 20405, 202 557-0807

RIN: 3090-AA45

3048. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5724(a)(4); EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Legal Deadline: None.

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will implement amendments to Chapter 2, Part 6, to adjust, according to Consumer Price Index change, the maximum dollar amounts for reimbursement of allowable real estate sale and purchase expenses incident to a change of official station

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC24

3049. ● USE OF CASH FOR OFFICIAL TRAVEL (TEMPORARY REGULATION)

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101

Legal Deadline: None.

Abstract: This temporary regulation will raise the monetary limit on cash purchases of official passenger transportation services from $100 to $500. This increase will eliminate the requirement for agencies to request a written exemption from the General Services Administration before reimbursing travelers for nonemergency cash purchases up to $500.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Betty J. Brown, Transportation Specialist, General Services Administration, 18th & F Street, NW, Washington, DC 20405, 202 786-3011

RIN: 3090-AC91

3050. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT (UNASSIGNED)

Legal Authority: 5 USC 5724(b)

CFR Citation: 41 CFR 101-7

Legal Deadline: None.

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (Unassigned). FTR change implements new tables for determining the Federal and State marginal tax rate for use in calculating the relocation income tax allowance covering relocation expense reimbursements received during the 1987 tax year.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Washington, DC 20406, 703 557-1253

RIN: 3090-AC93

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3051. REVISION OF ADPE REUTILIZATION POLICIES AND PROCEDURES INCLUDING INSTRUCTIONS FOR SF 120, PROJECT 86.14A

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201 to 33

Legal Deadline: None.

Abstract: This project revises FIRMR provisions regarding the reutilization of excess and exchange/sale Automatic Data Processing Equipment (ADPE). Instructions for agency submission of Standard Form 120 to GSA are included. The objective is to streamline the removal of excess ADPE equipment from agencies and encourage only efficient reuse by other agencies.

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	51 FR 31674
Final Action	11/00/87	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington DC 20405, 202 566-0194

RIN: 3090-AC25

3052. UPDATE OF GOVERNMENTWIDE POLICIES AND REGULATIONS REGARDING FEDERAL EMPLOYEE USE OF GOVERNMENT TELEPHONE SYSTEMS (87.14A)

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751 (f)

CFR Citation: 41 CFR 201-38

Legal Deadline: None.

Abstract: This regulation changes provisions in the Federal Information Resources Management Regulation regarding Federal employee use of Government telephone systems. The intent is to take a more rational approach to what abuse is and to reasonably reflect the practice in the private sector. Enforcement of the new provisions should deter abuse by making it possible to detect and control genuine abuse.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 9900
NPRM Comment Period End	05/26/87	52 FR 9900
Final Action	11/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Roger W. Walker, Chief, Regulations Branch, General Services Administration, GSA Information Resources Mgt. Service KMPR, 202 566-0194

RIN: 3090-AC75

GSA — Final Rule Stage

3053. ● INTERIM IMPLEMENTATION OF PUB. L. 99-500 TITLE VIII BROOKS ACT AMENDMENT-EXTENSION OF TEMPORARY REGULATION

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Legal Deadline: Statutory, October 18, 1986. Pub. L. 99-500 was enacted on October 18, 1986. FIRMR Temporary Regulation 13, effective December 23, 1986, applies retroactively to the enactment of Pub. L. 99-500. The Supplement 1 extends the effectivity of provisions in Temporary Regulation 13 which expires December 23, 1987.

Abstract: This supplement 1 to the Federal Information Resources Management Regulation (FIRMR) Temporary Regulation 13 extends the expiration date 1 year beyond current expiration of December 23, 1987. The extension allows additional time for agency comments useful to modification of FIRMR provisions prior to codification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/87	

Small Entity: No

Agency Contact: William Loy, Procurement Analyst, General Services Administration, Information Resources Management Service, Washington, DC 20405, KMPR, 202 566-0194

RIN: 3090-AD01

GENERAL SERVICES ADMINISTRATION (GSA) — Completed Actions

3054. MANAGEMENT OF BUILDINGS AND GROUNDS

CFR Citation: 41 CFR 101-20

Completed:

Reason	Date	FR Cite
Final Action	04/08/87	52 FR 11263
Final Action Effective	04/08/87	52 FR 11263

Small Entity: No

Agency Contact: James F. Steele, Jr 202 566-1563

RIN: 3090-AA69

3055. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)- SMALL BUSINESS TECHNICAL ADVISORS

CFR Citation: 48 CFR 519

Completed:

Reason	Date	FR Cite
Final Action	04/22/87	52 FR 16390
Final Action Effective	04/22/87	52 FR 16390

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AB39

3056. GENERAL SERVICE ADMINISTRATION ACQUISITION REGULATION, BANKRUPTCY, INSOLVENCY OR DISSOLUTION OF BUSINESS, CHGE. 42

CFR Citation: 48 CFR 542

Completed:

Reason	Date	FR Cite
Final Action	04/01/87	52 FR 11825
Final Action Effective	04/01/87	52 FR 11825

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC72

3057. ● GSAR, ACQUISITION CIRCULAR AC-87-1, COMPARISON OF RETIREMENT COSTS UNDER OMB CIRCULAR A-76

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 507; 48 CFR 552

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation was temporarily amended to implement Office of Management and Budget (OMB) Transmittal Memorandum No. 4 which revised OMB Circular A-76 procedures for calculation and comparison of retirement costs.

Timetable:

Action	Date	FR Cite
Final Action	03/09/87	52 FR 8589
Final Action Effective	03/09/87	52 FR 8589

Small Entity: No

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of Acquisition Policy & Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC94

3058. ● GSAR, CHANGE 39, PROCEDURES FOR VOIDING AND RESCINDING CONTRACTS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 503

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation was amended to revise Part 503 by adding Subpart 503.7 which implements Subpart 3.7 of the Federal Acquisition Regulation (FAR) by providing agency procedures for voiding and rescinding contracts.

Timetable:

Action	Date	FR Cite
Final Action	02/09/87	52 FR 5981
Final Action Effective	02/09/87	52 FR 5981

Small Entity: No

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA, Office of Acquisition Policy and, Regulations, 18th & F Streets NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC95

3059. ● GSAR, CHANGE 41, CONSULTING SERVICES AND COMMUNICATION CENTERS

Legal Authority: 40 USC 486 (c)

CFR Citation: 48 CFR 514; 48 CFR 515; 48 CFR 533; 48 CFR 537; 48 CFR 552

Legal Deadline: None.

Abstract: The GSAR was amended by revising Part 514 to delete material that pertains to the GSA Communications Centers because the centers have closed; by amending Part 515 to provide for the use of Standard and GSA forms for recording offers in GSA procurements and to delete material related to the GSA Communications Centers; by amending Part 533 to reflect the current organizational structure of Office of General Counsel, to delete reference to the GSA Communications Centers and to make other miscellaneous changes; by amending Part 537 to make minor editorial changes to conform to requirements in GSA Order, Procurement of Consulting Services, ADM 2800.12c; by amending Part 552 to delete material that repeats prescriptive language in Parts 514 and 515, and to delete the text of Sections 552.214-72 and 552.215-72.

Timetable:

Action	Date	FR Cite
Final Action	02/18/87	52 FR 6562
Final Action Effective	02/18/87	52 FR 6562

Small Entity: No

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA, Office of Acquisition Policy and, Regulations, 18th & F Streets NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC96

3060. ● GSAR, CHGE. 44, STATUS REPORT OF ORDERS AND SHIPMENTS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 542; 48 CFR 552; 48 CFR 553

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation was amended to revise Section 542.1107 to provide for the use of the Status Report of Orders and Shipments clause in contracts for special order program items as well as contracts for stock items; to revise Section 552.242-70 to incorporate the clause revised by Acquisition Circular AC-86-6 and to cancel the circular; to revise Section 553.270-3 to delete the instructions on modifying certain articles of GSA Form 3507, Supply Contract Clauses, and to illustrate the form in Section 553.370-3507.

Timetable:

Action	Date	FR Cite
NPRM	05/26/87	52 FR 21056
Final Action	05/26/87	52 FR 21056

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC97

3061. ● GSAR, CHGE. 45, SUSPENSION AND DEBARMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 509

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation was amended to revise Part 509 to conform to the current organizational title, to delete reference to the Automated Consolidated List, and to add text to provide guidance concerning treatment to be accorded bids and proposals received from suspended, debarred, or ineligible contractors.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 10913
NPRM Comment Period End	04/27/87	52 FR 10913
Final Action	06/03/87	52 FR 22655
Final Action Effective	06/03/87	52 FR 22655

Small Entity: No

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC98

3062. ● GSAR, CHANGE 46, COMMERCE BUSINESS DAILY REQUIREMENTS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 505

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation was amended to revise Part 505 to provide for publication of proposed acquisitions of real property appraisal services in local newspapers, to authorize direct submission of synopsis messages to the Commerce Business Daily (CBD) by contracting officers rather than through the GSA Business Service Centers, and to provide an exception to the CBD publication requirement and publicizing and response times for proposed acquisitions of real property appraisal. Acquisition Circular AC-86-7 is canceled.

Timetable:

Action	Date	FR Cite
Final Action	06/09/87	52 FR 22654
Final Action Effective	06/09/87	52 FR 22654

Small Entity: No

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC99

3063. ● GSAR, ACQUISITION CIRCULAR AC-87-2, ANNUAL REPORT FROM FEDERAL CONTRACTORS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 522; 48 CFR 552

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation was temporarily amended to implement the Department of Labor (DOL) regulations published in the March 4, 1987 Federal Register (52 FR 6674-6679). The DOL regulations require Federal Contractors to submit a report at least annually to the Secretary of Labor regarding employment of Vietnam era and special disabled veterans.

Timetable:

Action	Date	FR Cite
Final Action	04/03/87	52 FR 12182
Final Action Effective	04/03/87	52 FR 12182

Small Entity: No

Agency Contact: Marjorie Ashby, Management Analyst, General Services

Administration, Office of Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AD00

3064. DEPARTMENT OF DEFENSE RESERVIST/RETIREE MILITARY EMERGENCY TRAVEL WARRANT

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action * Published as a notice	03/18/87	52 FR 8533

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AA05

3065. REVISION OF VOUCHER AND SCHEDULE OF PAYMENTS STANDARD FORM 1166 INSTRUCTIONS

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	04/15/87	52 FR 12168

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AB97

3066. REVISION OF STANDARD FORM 1203 - US GOVERNMENT BILL OF LADING - PRIVATELY OWNED PERSONAL PROPERTY

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	06/09/87	52 FR 21682

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AC21

3067. DISPOSALS TO PUBLIC AGENCIES

CFR Citation: 41 CFR 101-47.303-2; 41 CFR 101-47.303-2(b); 41 CFR 101-47.303-2(d); 41 CFR 101-47.303-2(e); 41 CFR 101-47.303-2(b); 41 CFR 101-47.303-2(g); 41 CFR 101-47.4906; 41 CFR 101-47.4906-2

Completed:

Reason	Date	FR Cite
Final Action	03/27/87	52 FR 9829
Final Action Effective	03/27/87	52 FR 9829

Small Entity: No

Agency Contact: James M. Kearns 202 535-7052

RIN: 3090-AB55

3068. PROPERTY FOR CORRECTIONAL FACILITIES

CFR Citation: 41 CFR 101-47.308-9

Completed:

Reason	Date	FR Cite
Final Action	03/27/87	52 FR 9831
Final Action Effective	03/27/87	52 FR 9831

Small Entity: Undetermined

Agency Contact: James M. Kearns 202 535-7052

RIN: 3090-AB72

3069. COST EFFECTIVE PROCUREMENT OF PERSONAL PROPERTY

CFR Citation: 41 CFR 101-26.100-2; 41 CFR 101-26.102; 41 CFR 101-26.3; 41 CFR 101-26.4; 41 CFR 101-26.5; 41 CFR 101-26.39; 41 CFR 101-40; 41 CFR 101-43; 41 CFR 101-45

Completed:

Reason	Date	FR Cite
Final Action	06/24/87	52 FR 23656
Final Action Effective	06/01/87	52 FR 23656

Small Entity: No

Agency Contact: Donna M. Stright 703 557-1253

RIN: 3090-AA95

3070. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Withdrawn	07/17/87	

Small Entity: No

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090-AC00

3071. PAYMENT OF SUBSTITUTE DOCUMENTS

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	06/09/87	52 FR 21683

Small Entity: No

Agency Contact: Betty Brown 202 786-3011

RIN: 3090-AC36

3072. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT 25

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	07/15/87	52 FR 29568
Final Action Effective	08/01/87	52 FR 29568

Small Entity: No

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090-AC38

3073. CHANGE TO FEDERAL TRAVEL REGULATION (FTR), FPMR 101-7 SUPPLEMENT 25

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	05/26/87	52 FR 19576
Final Action Effective	01/01/87	52 FR 19576

Small Entity: No

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090-AC42

3074. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT 24

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	07/15/87	52 FR 26630
Final Action Effective	08/01/87	52 FR 26630

Small Entity: No

GSA

Completed Actions

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090–AC52

3075. FIRMR IMPLEMENTATION OF THE ADP DISPUTE RESOLUTION SECTION OF THE COMPETITION IN CONTRACTING ACT OF 1984 - PROJECT 84.63A

CFR Citation: 41 CFR 201-32

Completed:

Reason	Date	FR Cite
Final Action	04/01/87	52 FR 10379
Final Action Effective	06/01/87	52 FR 10379

Small Entity: No

Agency Contact: William R. Loy 202 566-0194

RIN: 3090–AB64

3076. IMPLEMENTATION OF FEDERAL PROCESSING STANDARDS (FIPS) AND A FEDERAL TELECOMMUNICATIONS STANDARD (FED-STD) IN FIRMR

CFR Citation: 41 CFR 201-8

Completed:

Reason	Date	FR Cite
Final Action	07/31/87	52 FR 28556
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Mary Anderson 202 566-0194

RIN: 3090–AC86

3077. FEDERAL EMPLOYEE PARKING

CFR Citation: 41 CFR 101-20

Completed:

Reason	Date	FR Cite
Withdrawn	08/00/87	

Small Entity: No

Agency Contact: John Quigley 202 566-0059

RIN: 3090–AA68

[FR Doc. 87-21247 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XXV

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations are scheduled for review or development from October 1987 through September 1988. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Director, Office of Policy and Evaluation, (202) 653-8900.

Dated: August 24, 1987.

Merit Systems Protection Board.

Daniel R. Levinson,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Prerule Stage

3078. PART 1205 - PRIVACY ACT

Legal Authority: 5 USC 552a Privacy Act

CFR Citation: 5 CFR 1205

Legal Deadline: None.

Abstract: Pursuant to 5 USC 552a(f), the Board is required to promulgate regulations pursuant to notice and receipt of public comment establishing procedures for responding to individual requests for access to records covered by the Privacy Act; for the amendment of records covered by the Act and for appeals of adverse rulings on such requests; and for fees to be charged for copying requested records. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review these regulations to ensure that they are easily understood by all persons. If indicated by the review, the Board plans to publish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	09/00/87	
End Review	02/00/88	
Final Action	07/00/88	

Small Entity: No

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, **202 653-7200**

RIN: 3124-AA05

3079. PART 1206 OPEN MEETINGS

Legal Authority: 5 USC 552b Government in the Sunshine Act

CFR Citation: 5 CFR 1206

Legal Deadline: None.

Abstract: Pursuant to 5 U.S.C. 552b, the Board is required to promulgate regulations, pursuant to notice and receipt of public comment, establishing procedures by which it will conduct open meetings. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review these regulations to ensure that they are easily understood by all persons. If indicated by the review, the Board plans to publish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	02/00/88	
Final Action	07/00/88	

Small Entity: No

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, **202 653-7200**

RIN: 3124-AA06

3080. ● PART 1203 - HEARING PROCEDURES FOR ORIGINAL JURISDICTION CASES

Legal Authority: 5 USC 1205(a)(4); 5 USC 1205(e); 5 USC 1205(g)

CFR Citation: 5 CFR 1203.1 to 1203.18

Legal Deadline: None.

Abstract: The Board proposes to review the regulations in this Part to ensure that these regulations are easily understood by all persons. If indicated by the review, the Board plans to republish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	02/00/88	
Publish regulations in "plain English"	07/00/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Director, Office of Policy and Evaluation, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-8900**

RIN: 3124-AA07

3081. ● PART 1204 - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 1204.1 to 1204.22

Legal Deadline: None.

Abstract: The Board issued interim final regulations in 52 FR 28123, July 28, 1987. The Board proposes to monitor these interim regulations carefully and begin a new review to ensure that these regulations are easily understood. If indicated by the review, the Board plans to rewrite them in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	08/00/87	
End Review	02/00/88	
Republish in "plain English"	07/00/88	

Small Entity: No

MSPB **Prerule Stage**

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-7200**

RIN: 3124-AA08

3082. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99

Legal Deadline: None.

Abstract: The Board issued proposed regulations in 52 FR 25123, July 2, 1987, and expects to issue final or interim final regulations during October 1987. The Board proposes to monitor these regulations and immediately begin a new review to ensure that these regulations are easily understood by all persons. If indicated by the review, the Board plans to rewrite them in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	02/00/88	
Publish Regulations in "plain English"	07/00/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Sara B. Rearden, Acting Director, Equal Employment Division, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-6180**

RIN: 3124-AA09

3083. ● PART 1201 - PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205; 5 USC 7701

CFR Citation: 5 CFR 1201.1 to 1201.222

Legal Deadline: None.

Abstract: The Board proposes to review the regulations in this Part to ensure that these regulations are easily understood by all persons appearing before the Board. If indicated by the review, the Board plans to republish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	02/00/88	
Publish Regulations in "plain English"	07/00/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Director, Office of Policy and Evaluation, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-8900**

RIN: 3124-AA10

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Final Rule Stage

3084. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99, (New)

Legal Deadline: None.

Abstract: To effectuate Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, amending Section 504 of P.L. 95-602.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25123
NPRM Comment Period End	08/31/87	52 FR 25123
Final Action	10/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Sara B. Rearden, Acting Director, Equal Employment Division, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-6180**

RIN: 3124-AA01

3085. PART 1200 - BOARD ORGANIZATION

Legal Authority: 5 USC 552 Public Information; 5 USC 1205(g) and (i) Authority

CFR Citation: 5 CFR 1200

Legal Deadline: None.

Abstract: Pursuant to 5 U.S.C. 552, the Board provides the public current information regarding the Board's organization and a statement of functions assigned to each organizational unit. Certain title changes and other realignments are planned (or are in process) since January 27, 1986 when the Board's organization was published last (51 FR 3321).

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Director, Office of Policy and Evaluation, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-8900**

RIN: 3124-AA04

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Completed Actions

3086. PART 1204 - FREEDOM OF INFORMATION ACT

CFR Citation: 5 CFR 1204, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	07/28/87	52 FR 28123
Final Action Effective	07/28/87	52 FR 28123

Small Entity: No

Agency Contact: Michael H. Hoxie 202 653-7208

RIN: 3124-AA03

[FR Doc. 87-21248 Filed 10-23-87; 8:45 am]

BILLING CODE 7400-01-T

federal register

Monday
October 26, 1987

Part XXVI

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Acting Director, General Management Division (Code NP), Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 87-16, "Unified Agenda of Federal Regulations for October 1987," Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10E, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each April and October.

Dated: August 26, 1987.

Rayburn A. Metcalfe,

Acting Director, General Management Division.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3087	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3088	Major System Acquisitions	2700-AA38
3089	Source Evaluation Board Manual	2700-AA39
3090	Data and Copyrights	2700-AA40
3091	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and Foreign Etc	2700-AA45
3092	Delegation of Authority of Certain Civil Rights Functions to the Department of Health, Education, and Welfare	2700-AA47
3093	Payload Specialists for NASA or NASA Related Payloads	2700-AA52
3094	Extraterrestrial Exposure	2700-AA53
3095	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
3096	Release of Information to News and Information Media	2700-AA58
3097	Broad Agency Announcements	2700-AA65
3098	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Assistance by NASA	2700-AA69
3099	Implementation of the Program Fraud Civil Remedies Act of 1986	2700-AA71

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3100	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3101	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3102	Patent Waiver Regulations	2700-AA10
3103	NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags	2700-AA15
3104	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3105	Emergency Personnel Security Adjudication and Procedures	2700-AA31
3106	Availability of Agency Records to Members of the Public	2700-AA49
3107	Nondiscrimination in Federally-Assisted Programs of NASA	2700-AA50
3108	Duty-Free Entry of Space Articles	2700-AA62
3109	Environmental Quality; Floodplain and Wetlands Management	2700-AA70
3110	Delegation of Authority--To Take Statutory Action for "Liquidated Damage" Assessment Under the Contract Work Hours and Safety Standards Act, and Associated Labor Statute Actions	2700-AA73

NASA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3111	Monetary Claims (General); Collection of Civil Claims and Offset	2700-AA22
3112	Nondiscrimination on the Basis of Handicap	2700-AA24
3113	Standards of Conduct	2700-AA30
3114	Implementation of the Equal Access to Justice Act in Agency Proceedings	2700-AA42
3115	Statement of Organization and General Information	2700-AA72

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3087. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 1

Legal Deadline: None.

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Additional Information: RIN = 2700-AA13 merged with RIN = 2700-AA14.

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2536**

RIN: 2700-AA14

3088. MAJOR SYSTEM ACQUISITIONS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

Abstract: Revise and update procedures for major systems acquisition.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: John E. Horvath, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, **202 453-2082**

RIN: 2700-AA38

3089. SOURCE EVALUATION BOARD MANUAL

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

Abstract: Revise and update procedures for conduct of Source Evaluation Boards.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Not Applicable

Agency Contact: Charles R. Yetter, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, **202 453-2074**

RIN: 2700-AA39

3090. DATA AND COPYRIGHTS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

Abstract: Change to conform regulations with Federal Acquisition Regulations changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Agency Contact: Stuart J. Evans, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code H), Washington, DC 20546, **202 453-2090**

RIN: 2700-AA40

3091. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND FOREIGN ETC

Legal Authority: PL 85-568, Sec 203; 72 Stat 429; 42 USC 2473; PL 87-624, Sec 201(b); 76 Stat 421; 47 USC 721(b)

CFR Citation: 14 CFR 1214, Subpart 1; 14 CFR 1214, Subpart 2

Legal Deadline: None.

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Additional Information: TITLE CONT: Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, National Aeronautics and Space Administration, NASA Headquarters (Code MC), Washington, DC 20546, **202 453-2536**

RIN: 2700-AA45

NASA

Proposed Rule Stage

3092. DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Legal Authority: 42 USC 2473(b)(1), (3), (5), (6), and (14); 14 CFR 1250.111(c)

CFR Citation: 14 CFR 1204.508

Legal Deadline: None.

Abstract: Amends existing NASA regulation to reflect changes in the Federal sector and to include new civil rights laws enacted since the original regulation was published.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, (Code U), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700-AA47

3093. PAYLOAD SPECIALISTS FOR NASA OR NASA RELATED PAYLOADS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 72 Stat 429 as amended; PL 87-624, Sec 201(b); 47 USC 721(b) 76 Stat 421

CFR Citation: 14 CFR 1214, Subpart 3

Legal Deadline: None.

Abstract: Revises existing regulation to reflect current practices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: No

Agency Contact: Robert A. Schmitz, Office of Space Science and Applications, (Code EM), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1703**

RIN: 2700-AA52

3094. EXTRATERRESTRIAL EXPOSURE

Legal Authority: Secs 203, 304, 72 Stat 429, 433; 42 USC 2455; 42 USC 2456; 42 USC 2473; 18 USC 799

CFR Citation: 14 CFR 1211

Legal Deadline: None.

Abstract: Revision updates the existing regulation to conform to current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: No

Agency Contact: Stephan W. Fogleman, Office of Space Science and Applications, (Code EB), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1530**

RIN: 2700-AA53

3095. POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

Legal Authority: 42 USC 2454

CFR Citation: 14 CFR 1205, Subpart 1

Legal Deadline: None.

Abstract: Amends regulation to reflect current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	

Small Entity: No

Agency Contact: John F. Devlin, Office of Space Science and Applications, (Code EPS), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1630**

RIN: 2700-AA54

3096. RELEASE OF INFORMATION TO NEWS AND INFORMATION MEDIA

Legal Authority: 42 USC 2473(a)(3) Sec 203(a)(3)

CFR Citation: 14 CFR 1213, Subpart 1

Legal Deadline: None.

Abstract: Sets forth NASA policy governing the release of information in any form to news and information media.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Agency Contact: James W. McCulla, Office of Communications (Code LM), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8398**

RIN: 2700-AA58

3097. BROAD AGENCY ANNOUNCEMENTS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

Abstract: NASA implementation of announcements authorized at FAR Subpart 6.1.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Agency Contact: W. A. Greene, Office of Procurement, NASA Headquarters (Code HP), National Aeronautics and Space Administration, Washington, DC 20546, **202 453-2119**

RIN: 2700-AA65

3098. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM ASSISTANCE BY NASA

Legal Authority: Title IX of the Education Amendments of 1972; 20 USC 1681 et seq

CFR Citation: 14 CFR 1253

Legal Deadline: None.

Abstract: This regulation proposes to establish for NASA a set of rules prohibiting sex discrimination in educational programs or activities receiving financial assistance from NASA. Under authority provided by the Education Amendments of 1974 law, this regulation seeks to ensure that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or otherwise be subject to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Program, NASA Headquarters (Code U), National

NASA

Proposed Rule Stage

Aeronautics and Space Administration, Washington, DC 20546, 202 453-2163

RIN: 2700-AA69

3099. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 42 USC 2473(c); 31 USC 3801 et seq; PL 99-509

CFR Citation: 14 CFR 1264

Legal Deadline: None.

Abstract: Proposed regulation to implement the Program Fraud Civil Remedies Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Sara Najjar, Office of General Counsel (Code GG), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700-AA71

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

3100. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 Sec 308 of the Space Act as amended; 42 USC 2458(b)

CFR Citation: 14 CFR 1214, Subpart 13

Legal Deadline: None.

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert J. Wojtal, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, 202 453-2446

RIN: 2700-AA00

3101. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 8

Legal Deadline: None.

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/85	50 FR 30807
Final Action	06/00/88	

Small Entity: No

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2536

RIN: 2700-AA01

3102. PATENT WAIVER REGULATIONS

Legal Authority: 42 USC 2457 et seq

CFR Citation: 14 CFR 1245, Subpart 1

Legal Deadline: None.

Abstract: To adopt Presidential Memorandum on Government Patent Policy of 02/18/83.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/83	48 FR 22132
NPRM	07/01/87	52 FR 24477
Final Action	04/00/88	

Small Entity: No

Agency Contact: Robert F. Kempf, Asst. Gen. Counsel for Patent Matters, National Aeronautics and Space Administration, Code GP, NASA Headquarters, Washington, DC 20546, 202 453-2424

RIN: 2700-AA10

3103. NASA SEAL, INSIGNIA, LOGOTYPE INSIGNIA, PROGRAM AND ASTRONAUT BADGES, AND FLAGS

Legal Authority: 42 USC 2473(a); 42 USC 2473(b)(1)

CFR Citation: 14 CFR 1221, Subpart 1

Legal Deadline: None.

Abstract: Sets forth NASA policy, procedures, and guidelines for use of NASA Logotype Insignia.

Timetable:

Action	Date	FR Cite
Final Action	04/00/88	

Small Entity: No

Agency Contact: Robert Schulman, Office of Communications (Code LP), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8315

RIN: 2700-AA15

3104. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 72 Stat as amended; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None.

Abstract: Annual revision of Appendix A to reflect each Calendar Year rate change for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action for CY 1988 Rate Change	04/06/87	52 FR 10881
Final Action for CY 1989 Rate Change	05/00/88	

Small Entity: No

Agency Contact: Eugene Ferrick, Office of Space Operations, National Aeronautics and Space Administration, NASA Headquarters (Code T), Washington, DC 20546, **202 453-2030**

RIN: 2700-AA29

3105. EMERGENCY PERSONNEL SECURITY ADJUDICATION AND PROCEDURES

Legal Authority: 42 USC 2451 ET SEQ; 5 USC 552 A; 5 USC 5596; EO 10450; EO 12356; 5 USC 7312; 5 USC 7531 TO 7533

CFR Citation: 14 CFR 1203

Legal Deadline: None.

Abstract: 14 CFR Part 1203 is amended by adding this new Subpart J, "Emergency Personnel Security Adjudication and Procedures." This proposed rule sets forth NASA's personnel security adjudication policy and procedures. The intended effect of this proposed rule is to inform individuals of the procedures within NASA with respect to those individuals whose employment with NASA may not be clearly consistent with the interests of national security.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2548
Final Action	12/00/87	

Small Entity: No

Agency Contact: Jerome Verba, National Aeronautics and Space Administration, NASA Security Office, NASA Headquarters (Code NIS), Washington, DC 20546, **202 453-2946**

RIN: 2700-AA31

3106. AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Legal Authority: 42 USC 2473; 5 USC 552 as amended by PL 93-504; 5 USC 552a Privacy Act of 1974; PL 99-570 FOIA Reform Act

CFR Citation: 14 CFR 1206

Legal Deadline: None.

Abstract: The purpose of this proposed revision is to identify the current costs for obtaining materials and update organizational structure.

Timetable:

Action	Date	FR Cite
NPRM	05/20/87	52 FR 18905
Final Action	12/00/87	

Small Entity: No

Agency Contact: Patricia M. Riep, Freedom of Information Act Officer (Code LN), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8346**

RIN: 2700-AA49

3107. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA

Legal Authority: Title VI of the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975; EO 12250

CFR Citation: 14 CFR 1250

Legal Deadline: None.

Abstract: NASA is revising 14 CFR Part 1250, "Nondiscrimination in Federally-Assisted Programs of NASA," to reflect changes in the NASA organization and processes through which this regulation is implemented. The purpose of this Part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, (Code U), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700-AA50

3108. DUTY-FREE ENTRY OF SPACE ARTICLES

Legal Authority: PL 98-573 Sec 124; PL 97-446 Sec 116 and Sec 156; 96 Stat 2335-2336 and 2345-2346; 19 USC 1202 note

CFR Citation: 14 CFR 1214 Subpart 15

Legal Deadline: None.

Abstract: Amending 14 CFR Subpart 1214.15 to reflect the changes on the duty-free entry of communication satellites imposed by PL 98-573.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/88	

Small Entity: No

Agency Contact: Robert J. Wojtal, Office of General Counsel, NASA Headquarters (Code GK), National Aeronautics and Space Administration, Washington, DC 20546, **202 453-2446**

RIN: 2700-AA62

3109. ENVIRONMENTAL QUALITY; FLOODPLAIN AND WETLANDS MANAGEMENT

Legal Authority: EO 11988; EO 11990; 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1216 Subpart 2

Legal Deadline: None.

Abstract: Revises regulation to reflect current organization and responsibilities of NASA officials.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Agency Contact: Lewis E. Andrews, Office of Management, NASA Headquarters (NXG), National Aeronautics and Space Administration, Washington, DC 20546, **202 453-1972**

RIN: 2700-AA70

3110. ● DELEGATION OF AUTHORITY--TO TAKE STATUTORY ACTION FOR "LIQUIDATED DAMAGE" ASSESSMENT UNDER THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT, AND ASSOCIATED LABOR STATUTE ACTIONS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1204.509

Legal Deadline: None.

Abstract: Delegates authority to act for the Administrator in all matters where the agency head is directed to act under 29 CFR Part 5 regarding the assessment of liquidated damages.

Timetable:

Action	Date	FR Cite
Final Action	04/00/88	

Small Entity: No

NASA

Final Rule Stage

Agency Contact: Gordon K. Gilson, Industrial Relations Office (Code NR), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2882

RIN: 2700-AA73

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

3111. MONETARY CLAIMS (GENERAL); COLLECTION OF CIVIL CLAIMS AND OFFSET

CFR Citation: 14 CFR 1261

Completed:

Reason	Date	FR Cite
Final Action	05/26/87	52 FR 19487

Small Entity: No

Agency Contact: Sara Najjar 202 453-2465

RIN: 2700-AA22

3112. NONDISCRIMINATION ON THE BASIS OF HANDICAP

CFR Citation: 14 CFR 1250

Completed:

Reason	Date	FR Cite
Final Action	07/28/86	51 FR 26862

Small Entity: No

Agency Contact: Lynda Sampson 202 453-2177

RIN: 2700-AA24

3113. STANDARDS OF CONDUCT

CFR Citation: 14 CFR 1207

Completed:

Reason	Date	FR Cite
Final Action	06/16/87	52 FR 22755

Small Entity: No

Agency Contact: Elizabeth N. Siegel 202 453-2465

RIN: 2700-AA30

3114. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

CFR Citation: 14 CFR 1262

Completed:

Reason	Date	FR Cite
Final Action	04/23/86	51 FR 15311

Small Entity: No

Agency Contact: Sara Najjar 202 453-2432

RIN: 2700-AA42

3115. STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

CFR Citation: 14 CFR 1201

Completed:

Reason	Date	FR Cite
Final Action	08/25/87	52 FR 31985

Small Entity: No

Agency Contact: Margaret M. Herring 202 453-2922

RIN: 2700-AA72

[FR Doc. 87-21249 Filed 10-23-87; 8:45 am]

BILLING CODE 7510-01-T

federal register

Monday
October 26, 1987

Part XXVII

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1987. This agenda was developed under the guidelines in OMB Bulletin No. 87-16, dated June 25, 1987. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291, Federal Regulation.

FOR FURTHER INFORMATION CONTACT: John A. Constance, Chief, Information Management and Directives Branch, (202) 523-3214.

Claudine J. Weiher,

Acting Archivist of the United States.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3116	Transfers to the National Personnel Records Center	3095-AA15

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3117	Transfers to the National Personnel Records Center	3095-AA16
3118	Membership on State Historical Records Advisory Boards	3095-AA20
3119	Restrictions on Access to Archival Records	3095-AA21
3120	Micrographics Records Management	3095-AA22
3121	NARA Implementation of Presidential Records Act	3095-AA24
3122	NARA Standards of Conduct	3095-AA25
3123	Statistical Research in Records Containing Personal Information	3095-AA26
3124	Electronic Records Management	3095-AA29
3125	NARA Fee Schedule	3095-AA33
3126	Loans of Original Records for Exhibition Purposes	3095-AA37
3127	Implementation of Government-wide Nonprocurement Debarment and Suspension System	3095-AA38

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3128	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	3095-AA23
3129	Disposition of Federal Records	3095-AA30
3130	Enforcement Nondiscrimination on the Basis of Handicap in Federally-conducted Programs	3095-AA35

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3131	Public Use of the National Archives Building	3095-AA06
3132	Adequate and Proper Documentation	3095-AA07
3133	Use of Privately Owned Microfilm Equipment to Copy Records in the National Archives and Presidential Libraries	3095-AA28
3134	FOIA Amendments	3095-AA34

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Prerule Stage

3116. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None.

Abstract: Consideration is being given to acceptance of individual earnings and pay cards and comprehensive payrolls in microfiche or computer output microfilm format only.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	08/00/88	

Small Entity: Not Applicable

Agency Contact: Gregory A. Pomicter, Dir., Field Operations Division (NCF), National Archives and Records Administration, Washington, DC 20408, 202 653-8388

RIN: 3095-AA15

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Proposed Rule Stage

3117. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None.

Abstract: As a result of FPM Letter 293-20 which established an Employee Medical Folder (EMF) for all civilian employees, this regulation will be expanded to include the EMF. In addition, a separate request form will be developed similar to the SF 127, Request for Official Personnel Folder.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	

Small Entity: Not Applicable

Agency Contact: Gregory A. Pomicter, Dir., Field Operations Division (NCF), National Archives and Records Administration, Washington, DC 20408, 202 653-8388

RIN: 3095-AA16

3118. MEMBERSHIP ON STATE HISTORICAL RECORDS ADVISORY BOARDS

Legal Authority: 44 USC 2505

CFR Citation: 36 CFR 1206

Legal Deadline: None.

Abstract: This regulation will restructure the State Historical Records Advisory Boards and redefine their functions in the grant review process.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	04/00/88	
Final Action	05/00/88	

Small Entity: Not Applicable

Agency Contact: Nancy Sahli, Acting Dir., Records Program (NP), National Archives and Records Administration, Washington, DC 20408, 202 523-5386

RIN: 3095-AA20

3119. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2108(a); 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None.

Abstract: This rule will add specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	02/00/88	
Final Action	04/00/88	

Small Entity: Not Applicable

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095-AA21

3120. MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None.

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA22

3121. NARA IMPLEMENTATION OF PRESIDENTIAL RECORDS ACT

Legal Authority: 44 USC 2206

CFR Citation: 36 CFR 1270

Legal Deadline: None.

Abstract: 44 USC 2206 requires that the Archivist promulgate regulations to carry out the Presidential Records Act. The law requires that the regulations provide for:

1. advance public notice of intention to dispose of valueless records;

2. notice to the former President of impending opening of otherwise restrictable records in response to judicial process, a request from the

incumbent President, or request from Congress;

3. notice to the former President when disclosure of documents may adversely affect any rights or privileges he may have; and

4. establishment of procedures for consultation between the Archivist and appropriate Federal agencies regarding Presidential records which may be restricted as investigatory records compiled for law enforcement purposes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Gary Brooks, Act. Dir., Legal Services Staff (NSL), National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095-AA24

3122. NARA STANDARDS OF CONDUCT

Legal Authority: 5 CFR 735; 44 USC 2104(a)

CFR Citation: 36 CFR 1204

Legal Deadline: None.

Abstract: These regulations will establish standards of conduct for NARA employees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Agency Contact: Gary Brooks, Act. Designated Agency Ethics Official, National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095-AA25

3123. STATISTICAL RESEARCH IN RECORDS CONTAINING PERSONAL INFORMATION

Legal Authority: 44 USC 2104

CFR Citation: 36 CFR 1256

Legal Deadline: None.

Abstract: The National Archives of the United States includes certain records containing information of a highly personal nature about living individuals. Use of these records by researchers is limited by 36 CFR 1256.16 to researchers conducting statistical or quantitative research. This rule will provide procedures for granting access to these records for statistical or quantitative purposes and for ensuring the protection of the privacy of the individual whose record is disclosed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Div., (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA26

3124. ELECTRONIC RECORDS MANAGEMENT

Legal Authority: 44 USC 2904; 44 USC 3102

CFR Citation: 36 CFR 1234

Legal Deadline: None.

Abstract: Federal agencies increasingly are recording their policies and authorities electronically. The proposed regulation will provide comprehensive standards for the creation, maintenance, use and disposition of electronic records.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	

Small Entity: Not Applicable

Agency Contact: Mary Ann Wallace, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, 202 724-1453

RIN: 3095-AA29

3125. NARA FEE SCHEDULE

Legal Authority: 44 USC 2116 (c)

CFR Citation: 36 CFR 1258

Legal Deadline: None.

Abstract: This rule will update NARA fees for reproductions of administrative records requested under the Freedom of Information Act and of archival records, to reflect the current costs of providing the reproductions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	09/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Division (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA33

3126. ● LOANS OF ORIGINAL RECORDS FOR EXHIBITION PURPOSES

Legal Authority: 44 USC 2104a; 44 USC 2109

CFR Citation: 36 CFR 1254

Legal Deadline: None.

Abstract: NARA lends original records for exhibition purposes to qualified institutions that are capable of providing care comparable with that provided at NARA. This regulation will make NARA's existing minimum requirements for security, environmental conditions, lighting, handling and advance notice more conveniently available to potential borrowers. Since loan requests are reviewed in accordance with an established administrative procedure and are subject to existing requirements, no additional costs will be involved.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	12/00/87	
Final Action	02/00/88	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Division, National Archives and

NARA

Proposed Rule Stage

Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA37

3127. ● IMPLEMENTATION OF GOVERNMENT-WIDE NONPROCUREMENT DEBARMENT AND SUSPENSION SYSTEM

Legal Authority: EO 12549; 44 USC 2104(a)

CFR Citation: 36 CFR 1209

Legal Deadline: Statutory, May 26, 1988.

Abstract: NARA will join other agencies in the voluntary common rule for implementing E.O. 12549. This order calls for the establishment of a system of government-wide nonprocurement and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Division, National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA38

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Final Rule Stage

3128. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1207

Legal Deadline: None.

Abstract: NARA will join other agencies in the common rule for implementing revised OMB Circular A-102, Uniform Requirements for Grants to State and Local Governments.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21820
NPRM Comment Period End	08/10/87	52 FR 21820
Awaiting joint rule	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA23

3129. DISPOSITION OF FEDERAL RECORDS

Legal Authority: 44 USC 2901 to 2909; 44 USC 3101 to 3106; 44 USC 3301 to 3314

CFR Citation: 36 CFR 1228

Legal Deadline: None.

Abstract: Provisions for the disposition of Federal records will be reviewed and updated or revised as necessary to conform with current NARA procedures and records administration policies.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Not Applicable

Agency Contact: Kenneth F. Rossman, Director, Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408, **202 724-1457**

RIN: 3095-AA30

3130. ENFORCEMENT NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY-CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 36 CFR 1208

Legal Deadline: None.

Abstract: The National Archives and Records Administration is joining with the Department of Justice and other agencies in the third joint publication of regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25124
NPRM Comment Period End	08/31/87	52 FR 25124
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Evaluation Div., (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA35

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3131. PUBLIC USE OF THE NATIONAL ARCHIVES BUILDING

CFR Citation: 36 CFR 1280

Completed:

Reason	Date	FR Cite
Final Action	06/25/87	52 FR 23820
Final Action Effective	06/25/87	52 FR 23821

Small Entity: No

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095-AA06

NARA

Completed Actions

3132. ADEQUATE AND PROPER DOCUMENTATION

CFR Citation: 44 CFR 101-11.202; 36 CFR 1220.20

Completed:

Reason	Date	FR Cite
Withdrawn	06/30/87	

Small Entity: No

Agency Contact: Mary Ann Wallace 202 724-1453

RIN: 3095-AA07

3133. USE OF PRIVATELY OWNED MICROFILM EQUIPMENT TO COPY RECORDS IN THE NATIONAL ARCHIVES AND PRESIDENTIAL LIBRARIES

CFR Citation: 36 CFR 1254

Completed:

Reason	Date	FR Cite
Final Action	05/29/87	52 FR 20077
Final Action Effective	05/29/87	52 FR 20077

Small Entity: Yes

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095-AA28

3134. FOIA AMENDMENTS

CFR Citation: 36 CFR 1250; 36 CFR 1258

Completed:

Reason	Date	FR Cite
Final Action	08/10/87	52 FR 29517

Small Entity: Undetermined

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095-AA34

[FR Doc. 87-21250 Filed 10-23-87; 8:45 am]

BILLING CODE 7515-01-T

federal register

Monday
October 26, 1987

Part XXVIII

National Endowment for the Arts

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 or call (202) 682-5418.

Peter J. Basso,

Deputy Chairman for Management, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

3135. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEA

Significance: Agency Priority

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1110

Legal Deadline: None.

Abstract: This regulation will be applicable only to the National Endowment for the Arts grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	
NPRM Comment Period End	04/10/81	
NPRM	02/00/88	

Small Entity: Not Applicable

Agency Contact: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA00

3136. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Legal Deadline: None.

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	04/00/88	

Small Entity: Not Applicable

Agency Contact: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA01

3137. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None.

Abstract: This final rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are issued pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	44 FR 56725

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA03

3138. ● CLAIMS COLLECTION: SALARY OFFSET

Legal Authority: 5 USC 5514; EO 11809 (redesignated EO 12107); 5 CFR 550, Subpart K

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This regulation provides procedures for the collection by administrative offset of a federal employee's salary without his/her consent to satisfy certain debts owed to the Federal government. The regulation outlines certain procedural protections that must be accorded to an employee prior to commencing offset.

NEA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Murray R. Welsch, Director, Administrative Services Division, National Endowment for the Arts, 1100 Pennsylvania Ave., NW, Washington, DC 20506, 202 682-5401

RIN: 3135-AA04

[FR Doc. 87-21251 Filed 10-23-87; 8:45 am]

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October 26, 1987

Part XXIX

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Unified Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the unified agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulations," dated February 17, 1981, the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/786-0322.

Lynne Cheney,

Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Proposed Rule Stage

3139. STATEMENT FOR THE GUIDANCE OF THE PUBLIC - ORGANIZATION, PROCEDURES AND AVAILABILITY OF INFORMATION

Legal Authority: 5 USC 552(a)(4)(A) Freedom of Information Act

CFR Citation: 45 CFR 1100

Legal Deadline: None.

Abstract: The revised regulation will clarify the fees charged for document search and duplication. Information on the organization will be updated.

Timetable:

Action	Date	FR Cite
Being revised to implement the Freedom of Information Reform Act of 1986	04/25/87	
NPRM	05/18/87	52 FR 18585
NPRM Comment Period End	06/17/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Stephen J. McCleary, Deputy General Counsel, Office of the General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA03

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Final Rule Stage

3140. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS (COMMON RULE)

Legal Authority: 20 USC 959(a)(1)

CFR Citation: 45 CFR 1174

Legal Deadline: None.

Abstract: This action proposes common regulations establishing consistency and uniformity among the Federal agencies in the administration of grants and cooperative agreements to State, local, and Federally recognized Indian tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21819
NPRM Comment Period End	08/10/87	
Final Action	03/12/88	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA08

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Completed Actions

3141. ● CLAIMS COLLECTION: SALARY OFFSET

Legal Authority: 5 USC 5514; EO 11809, (Redesignated EO 12107); 5 CFR 550, Subpart K

CFR Citation: 45 CFR 1179

Legal Deadline: None.

Abstract: This regulation provides procedures for the collection by administrative offset of a federal employee's salary without his/her consent to satisfy certain debts owed to the Federal government. The regulation outlines certain procedural protections that must be accorded to an employee prior to commencing offset.

Timetable:

Action	Date	FR Cite
NPRM	06/02/87	52 FR 20628
NPRM Comment Period End	07/02/87	

NEH

Completed Actions

Action	Date	FR Cite
Final Action	07/30/87	52 FR 28471

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Tracy J. Joselson, Attorney, National Endowment for the Humanities, 1100 Pennsylvania Ave., NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA07

[FR Doc. 87-21252 Filed 10-23-87; 8:45 am]

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Part XXX

National Science Foundation

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 87-16, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

Dated: August 25, 1987.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Prerule Stage

3142. EFFECTUATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1982 (SEX DISCRIMINATION)

Legal Authority: 20 USC 1681; PL 93-568, Sec 901 to 902; PL 93-380, Sec 844

CFR Citation: 45 CFR 620, (New)

Legal Deadline: None.

Abstract: This regulation is to effectuate Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in connection with education programs and activities receiving Federal financial assistance from the National Science Foundation. Costs, if any, should be nominal since most NSF recipients are also covered by HHS regulations. Potential benefits are to ensure that any educational program or activity receiving financial assistance from NSF does not, on the basis of sex (1) exclude any person from participation in, (2) deny any person the benefits of, or subject any such person to discrimination under that program or activity.

Timetable:

Action	Date	FR Cite
Clearance with EEOC and Justice under Executive Order 12250	05/01/87	
ANPRM	07/01/87	
ANPRM Comment Period End	09/01/87	

Small Entity: No

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9819

RIN: 3145-AA06

NATIONAL SCIENCE FOUNDATION (NSF) — Proposed Rule Stage

3143. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NATIONAL SCIENCE FOUNDATION

Legal Authority: 29 USC 794; PL 95-602, Sec 504

CFR Citation: 45 CFR 606, (New); 45 CFR 86

Legal Deadline: None.

Abstract: This regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the National Science Foundation. Potential costs are not known. Any benefits derived will be to ensure that the handicapped will not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the National Science Foundation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9819

RIN: 3145-AA05

3144. ● NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: 42 USC 1870(a); EO 12459

CFR Citation: 45 CFR 620

Legal Deadline: None.

Abstract: The regulations implement section 6 of EO 12459 and set forth criteria and procedures for debarment and suspension of individuals and organizations receiving assistance from the National Science Foundation under its nonprocurement programs and activities.

These regulations are required to be established under the guidelines issued by OMB in the May 29, 1987, Federal Register (52 F.R. 20360)

NSF **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Additional Information: NSF is joining with other executive branch agencies in a voluntary common rulemaking. This effort is being coordinated by OMB.

Agency Contact: Arthur J. Kusinski, Assistant General Counsel, National Science Foundation, 1800 G Street, NW, Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145-AA11

NATIONAL SCIENCE FOUNDATION (NSF) — Final Rule Stage

3145. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None.

Abstract: The Bayh-Dole Act (34 USC 200 et seq) was amended by Title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce has prepared a Government-wide implementing regulation. The Foundation's Patents regulation (45 CFR 650) conform to it. Because the revision to the NSF Patents regulation will merely echo a Government-wide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: The notable changes to be made in the revision of the NSF Patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the Government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9447

RIN: 3145-AA07

NATIONAL SCIENCE FOUNDATION (NSF) — Completed Actions

3146. CIVIL RIGHTS - TITLE VI REGULATIONS

CFR Citation: 45 CFR 611

Completed:

Reason	Date	FR Cite
No action expected in next twelve months	08/27/87	

Small Entity: No

Agency Contact: Brenda Brush 202 357-9819

RIN: 3145-AA01

3147. MISCONDUCT IN SCIENCE AND ENGINEERING RESEARCH

CFR Citation: 45 CFR 689

Completed:

Reason	Date	FR Cite
Final Action	07/01/87	52 FR 24466
Final Action Effective	07/01/87	

Small Entity: No

Agency Contact: Arthur J. Kusinski 202 357-9435

RIN: 3145-AA08

[FR Doc. 87-21253 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XXXI

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Directives Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB directives are issued under authority derived from several sources including: Subtitles I, II, and V of Title 31, United States Code, Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not regulations, but which are of public interest.

OMB Circulars and OFPP Policy Letters are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars and Policy Letters which are designed to implement, interpret, or prescribe law or policy, or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell A. Johnson (202/395-7250) at the above address.

Darrell A. Johnson,

Assistant Director for Administration.

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Prerule Stage

3148. ● POLICIES ON GOVERNMENT PUBLICATIONS (CIRCULAR NO. A-3)

Significance: Agency Priority

Legal Authority: 44 USC 1108

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: OMB Circular No. A-3, Government Publications, last revised in May 1985, prescribes policies and procedures for approving funding for government periodicals to fulfill the requirements of 44 USC 1108, and for reporting periodicals and non-recurring publications. This Circular is under review. OMB will consider modifications reflecting current policies on electronic dissemination of information.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	

Small Entity: No

Agency Contact: J. Timothy Sprehe, Room 3235 NEOB, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, **202 395-4814**

RIN: 0348-AA77

3149. POLICIES ON CONSTRUCTION OF FAMILY HOUSING (CIRCULAR NO. A-18)

Legal Authority: Budget and Accounting Act of 1921; See preamble

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: OMB Circular A-18, last revised in August 1967, sets forth policies for budgeting, planning, and undertaking the construction of federally-owned housing (exclusive of military barracks) for Federal personnel and for employees of Government contractors. Housing standards, concepts of living space requirements, the housing market and economic factors bearing on it have changed significantly since the Circular was last issued; and updating and revision may be appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/88	
End Review	06/01/88	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Management Controls, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-7207**

RIN: 0348-AA08

3150. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Budget and Accounting Act of 1921; PL 93-344; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. Public comments have been received on a revised draft of the Circular. They are currently being considered.

Timetable:

Action	Date	FR Cite
Draft Published for Comment	07/01/87	52 FR 24890
Considering Public Comments	11/01/87	

Small Entity: Yes

Agency Contact: Ellen Balis, Financial Economist, Office of Management and Budget, Fiscal Analysis Branch, Budget Review Division, Washington, D.C. 20503, **202 395-4574**

RIN: 0348-AA41

3151. POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND RELATED FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911(F); EO 11609 (Section 9)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This policy document was revised and updated in 1984. The purpose of this review is to assure that it continues to be current.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/88	
End Review	06/01/88	
Final Action	01/01/89	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Mgmt. Controls, Office of Management and Budget, OFPP, 726 Jackson Place, Washington, D.C. 20352, **202 395-7207**

RIN: 0348-AA70

3152. MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Some agencies report difficulty working under the Circular. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of A-109.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Robert Cooper, Procurement Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348-AA12

3153. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: An OMB and HHS-chaired task force will review the current requirements of Circular A-110, compare them with the proposed Circular A-102 and governmentwide common rule published in the Federal Register June 9, 1987, determine the need for changes to restore uniformity, and propose a revised Circular A-110 and common rule for public comment.

Timetable:

Action	Date	FR Cite
Begin Review	06/15/87	
ANPRM	06/24/87	52 FR 23729

Next Action Undetermined

Small Entity: No

Agency Contact: Johnathan D. Breul, Acting Deputy Associate Director for Financial Management, Office of Management and Budget, Financial Management Division, Washington, DC 20503, **202 395-3050**

RIN: 0348-AA69

3154. ● POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Significance: Agency Priority

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 40 USC 487; 31 USC 11

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: OMB Circular No. A-130, Management of Federal Information Resources, issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for certain technical adjustments, and for policies on electronic collection and dissemination of information.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	

Small Entity: No

Agency Contact: J. Timothy Sprehe, Room 3235 NEOB, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, **202 395-4814**

RIN: 0348-AA76

3155. BOARD OF CONTRACT APPEALS - POSITION ALLOCATION PURSUANT TO PUBLIC LAW 95-563 (OFPP POLICY LETTER 79-2, SUPPLEMENT NO. 1)

Legal Authority: 41 USC 401 et seq; See preamble

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The Contract Disputes Act provides for establishment of Boards of Contract Appeals (BCAs) in the various executive agencies; initial allocation of positions was made by the Administrator, OFPP, based on workload studies of existing BCAs. The Act provides for update of workload studies every three years; update of the Policy Letter appears necessary, due to update of workload studies.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/87	
Draft Policy Letter for Comment	03/01/88	
End Review	03/01/88	

Small Entity: No

Agency Contact: Allen Brown, Acting Associate Administrator for Procurement Law and Legislation, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3501**

RIN: 0348-AA16

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Proposed Rule Stage

3156. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	10/00/87	
Final Action	01/00/88	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Adm. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA34

3157. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes to provide more management flexibility to directly contract certain functions and to emphasize productivity enhancement as a major theme.

Timetable:

Action	Date	FR Cite
Begin Review	09/15/84	
Draft for public comment	10/00/87	
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA45

3158. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of the Federal Government. The Directives are currently under review and may be replaced by an OMB circular. Affected agencies will be consulted on proposed changes as provided in E.O. 10253.

Timetable:

Action	Date	FR Cite
Proposed Revisions for Public Comment	10/00/87	

Small Entity: No

Agency Contact: Suzann K. Evinger, Statistical Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, **202 395-3093**

RIN: 0348-AA43

3159. CONTROLLING PAPERWORK BURDEN ON THE PUBLIC: REGULATORY CHANGES REFLECTING AMENDMENTS TO THE PAPERWORK REDUCTION ACT

Legal Authority: 44 USC 3502(11); 44 USC 3507; 44 USC Chapter 35

CFR Citation: 5 CFR 1320

Legal Deadline: None.

Abstract: The recently enacted Paperwork Reduction Reauthorization Act of 1986 amended the Paperwork Reduction Act of 1980. The Office of Management and Budget will amend its existing paperwork clearance rules to reflect this legislative change and otherwise to improve the management of Federal paperwork.

Timetable:

Action	Date	FR Cite
NPRM	07/23/87	52 FR 27768
NPRM Comment Period End	09/21/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Jefferson B. Hill, Assistant Chief, Commerce, and Lands Branch, Office of Management and Budget, **202 395-5897**

RIN: 0348-AA71

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Final Rule Stage

3160. INDIRECT COST RATES, AUDIT, AND AUDIT FOLLOWUP AT EDUCATIONAL INSTITUTIONS (CIRCULAR A-88)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities.

Timetable:

Action	Date	FR Cite
Published in the Federal Register for Public Comment	11/06/85	50 FR 46244
Circular to be issued	02/00/88	

Small Entity: No

Additional Information: Current policy for independent audits of universities is contained in Circular A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." The proposed revision will be merged with current policy for Federal audits of universities contained in Circular A-88.

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-6823**

RIN: 0348-AA68

3161. UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-102)

Legal Authority: 31 USC 65 et seq; 42 USC 4212 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The purpose of the review is to develop changes to administrative policies which will further reduce the regulatory burden on State and local governments.

Timetable:

Action	Date	FR Cite
Advance Notice of Policy Review	06/18/84	49 FR 24958
Notice of Proposed Policy	06/19/87	52 FR 21816
Final Action	03/11/88	

Small Entity: No

Additional Information: On March 12, 1987, the President signed a memorandum directing the 23 grant-making agencies to simultaneously propose common grants management regulations that adopt Governmentwide terms and conditions for grants to State and local governments. Within one year the departments and agencies must issue final common rules.

Agency Contact: Jonathan D. Breul, Grants Management Projects Director, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-3050**

RIN: 0348-AA11

3162. PROMPT PAYMENT (CIRCULAR A-125)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble; 31 USC 3901 et seq

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The review has been completed and the circular A-125 has been revised. It was issued in the June 9, 1987 Federal Register as an interim final rule with comments requested.

Timetable:

Action	Date	FR Cite
Review by Federal agencies	07/08/86	
Issuance of Revised Circular	06/09/87	
Analysis of Comments	12/00/87	

Small Entity: No

Agency Contact: Jack Donahue, Acting Chief, Credit and Cash Management Branch, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-3066**

RIN: 0348-AA67

[FR Doc. 87-21254 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XXXII

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from October 1, 1987, through September 30, 1988. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 653-7252.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3163	Executive Assignment System	3206-AC03
3164	Executive and Management Development	3206-AC12
3165	Suitability -- Suitability Disqualifications/Rating Actions	3206-AC19
3166	Personnel Security and Related Programs	3206-AC21
3167	Investigations	3206-AB92

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3168	Excepted Service -- Schedule B Authority to Appoint and Convert Cooperative Education Students	3206-AD20
3169	Excepted Service -- Schedule A Authority to Appoint and Convert Presidential Management Interns	3206-AD21
3170	Employment (General); Employment Practices	3206-AB41
3171	Employment (General); Time-in-Grade Restrictions	3206-AC01
3172	Procedures for Selecting Candidates for Appointment	3206-AD18
3173	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service	3206-AA09
3174	Appointment, Reassignment, Transfer and Reinstatement in the Senior Executive Service (SES Career Appointment by Reinstatement)	3206-AA11
3175	Employment in the Senior Executive Service	3206-AC81
3176	General Recruitment/Placement Principles	3206-AC07
3177	Qualifications Requirements (Medical)	3206-AA91
3178	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA21
3179	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA23
3180	Training	3206-AD06
3181	Performance Management System	3206-AD22
3182	Productivity Gainsharing	3206-AC71
3183	Pay Under the General Schedule; Determining Rate of Basic Pay	3206-AA32
3184	Pay Under the General Schedule; Prevailing Rate Systems; Grade and Pay Retention	3206-AC36
3185	Prevailing Rate Systems	3206-AC82
3186	Pay Under Other Systems (Pay Under the Senior Executive Service)	3206-AB29
3187	Pay Administration (General); Severance Pay	3206-AC41
3188	Pay Administration under the FLSA: Compliance	3206-AA40
3189	Processing Garnishment Orders for Child Support and/or Alimony	3206-AB42
3190	Political Activity of Federal Employees	3206-AA47
3191	Employee Responsibilities and Conduct	3206-AB66
3192	Post Employment Conflict of Interest	3206-AB12
3193	Retirement; Credit and Deposits for Military Service	3206-AB73
3194	Retirement; Disability Retirement	3206-AB77
3195	Retirement; Recovery of Annuity Overpayments	3206-AB78
3196	Federal Employees Group Life Insurance	3206-AB80
3197	Continuation of Federal Employees Health Benefits and Federal Employees Group Life Insurance Coverage under FERS	3206-AD11
3198	Federal Employees Health Benefits Program; Technical Corrections	3206-AB83
3199	Federal Employees Health Benefits for Former Spouses of CIA Employees	3206-AD28
3200	Federal Employees Health Benefits Program; Continuation of Enrollment	3206-AB88
3201	Federal Employees Health Benefits Program; Reenrollment of Certain Annuitants	3206-AD23

OPM

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3202	Federal Employees Health Benefits Program; Continuation of Coverage During Military Service	3206-AD24
3203	OPM Procurement Regulations	3206-AB28

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3204	Excepted Service -- Schedule A Authority for Employment of Students	3206-AD17
3205	Organization of the Government for Personnel Management; Personnel Management in Agencies	3206-AA66
3206	Performance Management System; Recordkeeping	3206-AB27
3207	Availability of Official Information	3206-AD05
3208	Protection of Privacy and Personnel Records	3206-AA70
3209	Overseas Employment	3206-AA71
3210	Noncompetitive Appointment of Certain Former Overseas Employees	3206-AD16
3211	Promotion and Internal Placement	3206-AA90
3212	Restoration to Duty from Military Service and Injury Compensation	3206-AC34
3213	Reduction in Grade and Removal Based on Unacceptable Performance	3206-AB21
3214	Eligibility of District of Columbia Government Employees for Superior Qualifications Appointments	3206-AD19
3215	Prevailing Rate Systems	3206-AC59
3216	Pay Administration (General); Overtime Pay Computation	3206-AC98
3217	Allowances and Differentials; Cost of Living Allowance and Post Differential--Nonforeign Areas	3206-AB34
3218	Absence and Leave; Coverage of D.C. Government Employees	3206-AC47
3219	Executive Personnel Financial Disclosure Requirements	3206-AA93
3220	Post Employment Conflict of Interest; 1986 Designation of Certain Positions and Agencies	3206-AD00
3221	Post Employment Conflict of Interest; 1987 Designation of Certain Positions and Agencies	3206-AD04
3222	Adverse Actions	3206-AC23
3223	Adverse Actions (Regulatory Requirements for Taking Adverse Actions Under the Senior Executive Service)	3206-AA50
3224	Retirement; Order of Precedence for Statutory Withholdings from Annuity	3206-AB70
3225	Retirement; Part-time Employees	3206-AC95
3226	Retirement; Underdeductions of Retirement Contributions	3206-AC96
3227	Retirement; Processing Court Orders for Apportionment of Civil Service Retirement System Annuity and Competing Claims for Survivor Benefits	3206-AC93
3228	Retirement; Credit for Service under CSRS for Certain Service as National Guard Technicians, Cadet Nurse, and Nonappropriated Fund Employees	3206-AD13
3229	Retirement; Credit for Service; Food Service Employees of the House of Representatives May Retain CSRS or FERS	3206-AD14
3230	Retirement; Credit for Service; Employees Who Transfer to Airports Authority	3206-AD15
3231	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB75
3232	Retirement; Law Enforcement Officers and Firefighters	3206-AB09
3233	Retirement; Deposits for Military Service	3206-AB35
3234	Civil Service Retirement, FEGLI, and FEHBP Coverage for D.C. Government Employees Hired After September 30, 1987	3206-AD09
3235	Retirement; Federal Employees' Retirement System Act of 1986	3206-AC94
3236	Continuation of Federal Employees' Group Life Insurance Coverage During Military Service	3206-AD10
3237	Standardization of Terms Used under the Federal Employees Group Life Insurance Program	3206-AD27
3238	An Additional Opportunity for Annuitants to Enroll for Federal Employees' Health Benefits Coverage	3206-AD12
3239	Credit for CHAMPUS Coverage for the Purpose of Continuing an FEHB Enrollment During Retirement	3206-AD26
3240	Federal Employees Health Benefits Program; Termination of Enrollment	3206-AB84
3241	Federal Employees Health Benefits Program; Registration and Enrollment	3206-AB87
3242	Programs for Specific Positions and Examinations (Miscellaneous) Administrative Law Judges	3206-AB91

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3243	Reduction in Force, Identification of Employees for Transfer of Function	3206-AC33
3244	Performance Management System for Prevailing Rate Employees	3206-AD01

OPM

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3245	Payment of Travel and Transportation Expenses to First Post of Duty for New Appointees, GS-15 and Below	3206-AD02
3246	Absence and Leave; Annual and Sick Leave	3206-AA44
3247	Employee Conduct and Responsibilities	3206-AC22
3248	Retirement; Order of Precedence for Application of Service Credit Deposits	3206-AB79
3249	Retirement; Survivor Benefits	3206-AB74
3250	Reconsideration Procedures Under Either FEGLI or FEHBP Following Denial of the Opportunity to Enroll or Change Enrollment	3206-AD08
3251	Federal Employees Health Benefits Program: Impaired Doctor/Patient Relationship	3206-AC90
3252	Federal Employees Health Benefits Program; Health Benefits Plans	3206-AB86
3253	Federal Employees Health Benefits Acquisition Regulations	3206-AB07

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Prerule Stage

3163. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None.

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions, and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/87	
End Review	03/00/88	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4625

RIN: 3206-AC03

3164. EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412, Subparts A and E

Legal Deadline: None.

Abstract: Review of executive and management development program authority for possible reconstructing.

Timetable:

Action	Date	FR Cite
Begin Review	01/15/88	
End Review	05/15/88	

Small Entity: No

Agency Contact: Frank Masterson, Program Manager, Training and Development Policy, Office of Personnel Management, Training and Investigations Group, 1121 Vermont Avenue, NW; P.O. Box 7230, Washington, D.C. 20044, 202 632-6171

RIN: 3206-AC12

3165. SUITABILITY -- SUITABILITY DISQUALIFICATIONS/RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subparts B and C

Legal Deadline: None.

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidentially-directed task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/89	

Small Entity: No

Agency Contact: Frances Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206-AC19

3166. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None.

Abstract: Comprehensive review of security standards. Current revision of personnel security program by Presidentially-directed task force will likely result in the need for conforming changes in personnel security standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/89	

Small Entity: No

Agency Contact: Frances Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206-AC21

OPM

Prerule Stage

3167. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 522a

CFR Citation: 5 CFR 736

Legal Deadline: None.

Abstract: Review of Governmentwide background investigations standards. Current revision of personnel security program by Presidentially directed task force will likely result in the need for conforming changes in personnel investigations standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/89	

Small Entity: No

Agency Contact: Frances Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206-AB92

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Proposed Rule Stage

3168. ● EXCEPTED SERVICE -- SCHEDULE B AUTHORITY TO APPOINT AND CONVERT COOPERATIVE EDUCATION STUDENTS

Legal Authority: EO 12015

CFR Citation: 5 CFR 213.3202

Legal Deadline: None.

Abstract: Current regulations unnecessarily limit agencies' ability to make full use of cooperative education programs. Changes under consideration would increase program flexibility and effectiveness and eliminate a number of current restrictions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Ken Bates, Personnel Staffing Specialist, Office of Personnel Management, Recruiting and Intake Programs Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, 202 632-0496

RIN: 3206-AD20

3169. ● EXCEPTED SERVICE -- SCHEDULE A AUTHORITY TO APPOINT AND CONVERT PRESIDENTIAL MANAGEMENT INTERNS

Legal Authority: EO 12364

CFR Citation: 5 CFR 213.3101; 5 CFR 315.708

Legal Deadline: None.

Abstract: Current regulations unduly restrict agencies' ability to make full use of Presidential Management Intern positions. Changes under consideration would increase program flexibility and eliminate a number of current restrictions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Ken Bates, Personnel Staffing Specialist, Office of Personnel Management, Recruiting and Intake Programs Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, 202 632-0496

RIN: 3206-AD21

3170. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Legal Deadline: None.

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
EEOC Coordination	07/01/86	
NPRM	12/00/87	

Small Entity: No

Agency Contact: James S. Green, Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-5087

RIN: 3206-AB41

3171. EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 300, Subpart F

Legal Deadline: None.

Abstract: Regulations based on review of time-in-grade restrictions. Regulations will address inconsistencies and clarify certain provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Division, Office of Personnel Management, Career Entry Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206-AC01

3172. ● PROCEDURES FOR SELECTING CANDIDATES FOR APPOINTMENT

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 302; 5 CFR 333

Legal Deadline: None.

Abstract: Permits agencies to rank and refer candidates for either excepted appointments or appointments outside registers in one of two ways: (1) in the same way as in the competitive service (i.e., numerical scores from 70 to 100, extra points for veterans preference, and rule of three); or (2) referral in order of veterans preference without ranking. (Currently, the first method is required for all excepted appointments, and the second method is required for all appointments outside registers.)

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Tracy Spencer, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206-AD18

3173. APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397

CFR Citation: 5 CFR 317

Legal Deadline: None.

Abstract: Proposed regulations to govern appointment actions in the SES, including establishment of qualifications standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions and to implement staffing provisions of Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AA09

3174. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE (SES CAREER APPOINTMENT BY REINSTATEMENT)

Legal Authority: 5 USC 3593

CFR Citation: 5 CFR 317, Subpart G

Legal Deadline: None.

Abstract: Proposed regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/05/80	45 FR 80468
NPRM	10/00/87	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AA11

3175. EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

Significance: Regulatory Program

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397; 5 USC 1302; 5 USC 3595; 5 USC 3596; 5 USC 5383; 5 USC 5385; 5 USC 7543

CFR Citation: 5 CFR 317; 5 CFR 359; 5 CFR 534; 5 CFR 752

Legal Deadline: None.

Abstract: This is a Regulatory Program entry that combines RINs 3206-AA09, 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Analyze comments	01/00/88	

Small Entity: No

Agency Contact: Kirke Harper, Director, Office of Executive Personnel, Office of Executive Administation, Office of Personnel Management, 1900 E St., N.W., Washington, DC 20415, **202 632-4486**

RIN: 3206-AC81

3176. GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

Legal Authority: 5 USC 1302; 5 USC 3302; 5 USC 3315; 5 USC 3502

CFR Citation: 5 CFR 330; 5 CFR 351

Legal Deadline: None.

Abstract: Proposed regulations based on review of Reemployment Priority List and Displaced Employee Program authorities. Regulations would focus on the need to provide assistance to employees in cutbacks.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Division, Office of Personnel Management, Career Entry Group, 1900 E Street, NW, Washington, D.C. 20415, **202 632-6817**

RIN: 3206-AC07

3177. QUALIFICATIONS REQUIREMENTS (MEDICAL)

Legal Authority: 5 USC 3301; 5 USC 3304; 5 USC 3312

CFR Citation: 5 CFR 339

Legal Deadline: None.

Abstract: Proposed regulations to clarify procedures for establishing physical requirements for jobs and for documenting and processing disabilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

OPM

Proposed Rule Stage

Agency Contact: Raleigh Neville, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E Street, NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA91

3178. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 1302; 5 USC 3594; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None.

Abstract: Proposed regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing previous law and the new Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
NPRM	10/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AA21

3179. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 3595; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None.

Abstract: Proposed regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, as amended by Pub.L. 97-346, October 15, 1982, and Pub. L. 98-615, November 8, 1984, which added provisions to Title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force and with "fallback" rights following a RIF.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AA23

3180. TRAINING

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Legal Deadline: None.

Abstract: Revision of training regulations to remove obsolete or unessential reporting requirements and remove or modify any other outmoded regulation (e.g., outmoded references to training forms and provisions in Office of Management and Budget Circular A-76 which have undergone modification).

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Agency Contact: Frank Masterson, Program Manager, Training and Development Policy, Office of Personnel Management, Training and Investigations Group, 1121 Vermont Avenue, NW; P.O. Box 7230, Washington, DC 20044, **202 632-6171**

RIN: 3206-AD06

3181. ● PERFORMANCE MANAGEMENT SYSTEM

Legal Authority: 5 USC Ch 43; 5 USC Ch 45; 5 USC Ch 53; 5 USC Ch 54

CFR Citation: 5 CFR 430

Legal Deadline: None.

Abstract: Establishes requirements for the Performance Management Systems for General Schedule, Prevailing Rate, and SES employees. Regulations will be streamlined to eliminate impediments to management flexibility while still assuring pay-for-performance systems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Janice B. Smith, Chief, Performance Management Branch, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-7630**

RIN: 3206-AD22

3182. PRODUCTIVITY GAINSHARING

Significance: Regulatory Program

Legal Authority: 5 USC Ch 45; 5 USC Ch 54

CFR Citation: 5 CFR 451

Legal Deadline: None.

Abstract: The proposed regulation would provide a framework for encouraging agency efforts to establish productivity gainsharing programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Agency Contact: James P. Hellings, Chief, Workforce Management Division, Office of Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, **202 632-8644**

RIN: 3206-AC71

3183. PAY UNDER THE GENERAL SCHEDULE; DETERMINING RATE OF BASIC PAY

Legal Authority: 5 USC 5305(a); 5 USC 5334(a); 5 USC 5338; EO 11721

CFR Citation: 5 CFR 531, Subpart B

Legal Deadline: None.

Abstract: Proposed regulations would restructure the General Schedule pay administration rules to clarify the flexibility agencies would have in establishing pay rates for employees upon promotion, demotion, reassignment, transfer, reemployment, or change in type of appointment. In addition, proposed regulations would revise the current regulations to conform to the principles of the Performance Management System and correct certain longstanding basic pay administration problems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, **202 632-5056**

RIN: 3206-AA32

3184. PAY UNDER THE GENERAL SCHEDULE; PREVAILING RATE SYSTEMS; GRADE AND PAY RETENTION

Legal Authority: 5 USC 5334(a); 5 USC 5338; 5 USC 5365

CFR Citation: 5 CFR 531; 5 CFR 532; 5 CFR 536

Legal Deadline: None.

Abstract: Under current regulations, numerous pay administration problems exist in movements between Federal pay systems. For example, the method of determining entitlement to grade retention in movements between pay systems results in unnecessary expenditures of Federal funds and false expectations for affected employees. Proposed regulations would revise definitions of "promotion" and "demotion" to improve pay administration and minimize the number of employees entitled to grade retention in movements between pay systems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E Street, NW; Washington, DC 20415, **202 632-5056**

RIN: 3206-AC36

3185. PREVAILING RATE SYSTEMS

Significance: Regulatory Program

Legal Authority: 5 USC 5342; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None.

Abstract: Proposed rule changes would revise Monroney regulations so that only non-Department of Defense Federal Wage System positions would be covered. Legislation has removed DOD employees from Monroney.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Allan Summers, Pay Specialist, Office of Personnel Management, Wage System Division, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-7830**

RIN: 3206-AC82

3186. PAY UNDER OTHER SYSTEMS (PAY UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 5383; 5 USC 5385

CFR Citation: 5 CFR 534, Subpart D

Legal Deadline: None.

Abstract: Proposed regulations on setting individual basic pay under the SES. Regulations are needed to clarify the intent and application of 5 USC 5383(a) on changes in SES pay rates and to implement provisions in Pub. L. 98-615, November 8, 1984, on aggregate compensation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AA23, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AB29

3187. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Legal Deadline: None.

Abstract: Proposed regulations would make eligibility for involuntary retirement and severance pay parallel, since the same circumstances give rise to both. Proposed regulations also would clarify severance pay coverage for certain employees serving under time-limited appointments and eliminate the current restriction on eligibility for severance pay for an employee who accepts an offer of employment with a private sector contractor for a Federal function.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-5056**

RIN: 3206-AC41

3188. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None.

Abstract: Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.

OPM

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Jack Tapping, Personnel Management Specialist, Office of Personnel Management, Personnel and Systems and Oversight Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, **202 632-4530**

RIN: 3206-AA40

3189. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661 to 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None.

Abstract: Update regulation in response to ongoing suggestions and corrections, especially changes to Appendix A which contains an obsolete list of agents designated to accept legal process.

Timetable:

Action	Date	FR Cite
NPRM	04/28/86	51 FR 15787
NPRM	09/00/87	

Small Entity: No

Agency Contact: Murray Meeker, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Room 7544, Washington, DC 20415, **202 632-5090**

RIN: 3206-AB42

3190. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None.

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: JoAnn Chabot, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 7538, Washington, DC 20415, **202 632-5030**

RIN: 3206-AA47

3191. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: EO 11222; PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None.

Abstract: Amends portions of final regulation, 5 CFR Part 735, to clarify and update general provisions dealing with employee conduct.

Timetable:

Action	Date	FR Cite
NPRM	06/02/88	
Final Action	10/02/88	

Small Entity: No

Agency Contact: Jane Ley, Staff Attorney, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-0569**

RIN: 3206-AB66

3192. POST EMPLOYMENT CONFLICT OF INTEREST

Legal Authority: 18 USC 207; PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None.

Abstract: Proposed technical and conforming regulations to clarify the post employment rules.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	

Small Entity: No

Agency Contact: Gary Davis/Jane Ley, Staff Attorneys, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AB12

3193. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Legal Deadline: None.

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4682**

RIN: 3206-AB73

3194. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None.

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4682**

RIN: 3206-AB77

OPM **Proposed Rule Stage**

3195. RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart M

Legal Deadline: None.

Abstract: Proposed regulations to add further guidelines on debt collection activities under the Debt Collection Act of 1982. Current regulations need to be expanded to (1) exclude collections made by Treasury under 31 CFR 210.10 from OPM procedures for recovery of debts, and (2) add provisions for collecting debts due the Civil Service Retirement Fund from a deceased debtor.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W.; Washington, D.C. 20415, 202 632-4682

RIN: 3206-AB78

3196. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Legal Deadline: None.

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, D.C. 20415, 202 632-4634

RIN: 3206-AB80

3197. CONTINUATION OF FEDERAL EMPLOYEES HEALTH BENEFITS AND FEDERAL EMPLOYEES GROUP LIFE INSURANCE COVERAGE UNDER FERS

Legal Authority: 5 USC 8913; 5 USC 8716

CFR Citation: 5 CFR 890; 5 CFR 870

Legal Deadline: None.

Abstract: Regulations to specify that individuals entitled to immediate or survivor annuities under the new Federal Employees Retirement System (FERS) and former spouses entitled to annuity payments under FERS may continue their coverage under the Federal Employees Health Benefits and the Federal Employees Group Life Insurance Programs under the same conditions as apply to individuals under the traditional Civil Service Retirement System. This is provided under Public Law 99-335, enacted on June 6, 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD11

3198. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TECHNICAL CORRECTIONS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None.

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB83

3199. ● FEDERAL EMPLOYEES HEALTH BENEFITS FOR FORMER SPOUSES OF CIA EMPLOYEES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None.

Abstract: This regulation will implement Section 303 of the Intelligence Authorization Act of 1986. The Act provides Federal Employees Health Benefits (FEHB) coverage to former spouses of CIA employees whose marriage was dissolved before May 7, 1985, if the former spouse: (1) was covered by an FEHB plan as a family member any time during the 18-month period before the dissolution of marriage; and (2) was married to the employee for not less than 10 years during the period of CIA service, at least 5 years of which were spent outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD28

3200. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None.

Abstract: Proposed regulations to reflect established OPM practice of allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases. If multiple enrollments are not allowed, certain eligible family members might lose FEHBP coverage.

OPM

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB88

3201. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REENROLLMENT OF CERTAIN ANNUITANTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None.

Abstract: Proposed regulations to permit reenrollment of annuitants who cancelled FEHB enrollment to enroll in a Health Maintenance Organization or Competitive Medical Plan under a Medicare risk contract and need to return to FEHB coverage.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD23

3202. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF COVERAGE DURING MILITARY SERVICE

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None.

Abstract: Proposed regulations to permit employees who enter military service on active duty or active duty for training to continue their FEHB coverage for up to one year.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD24

3203. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Legal Deadline: None.

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert Lawshe, Chief, Acquisition Branch, Office of Personnel Management, Acquisition Branch, Room 1466, 1900 E Street, NW, Washington, DC 20415, 202 254-8492

RIN: 3206-AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Final Rule Stage

3204. ● EXCEPTED SERVICE -- SCHEDULE A AUTHORITY FOR EMPLOYMENT OF STUDENTS

Legal Authority: 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 213

Legal Deadline: None.

Abstract: Permits agencies to appoint student assistants under Schedule A section 213.3102(q) to positions outside the General Schedule.

Timetable:

Action	Date	FR Cite
NPRM	06/17/87	52 FR 23040
Final Action	10/00/87	

Small Entity: No

Agency Contact: Tracy Spencer, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, 202 632-6817

RIN: 3206-AD17

3205. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None.

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
Final Action	10/30/88	

Small Entity: No

Agency Contact: Walter Townsend, Program Analyst, Office of Personnel Management, Analysis and Evaluation Division, Administration Group, 1900 E St., NW, Washington, DC 20415, 202 653-6341

RIN: 3206-AA66

OPM

Final Rule Stage

3206. PERFORMANCE MANAGEMENT SYSTEM; RECORDKEEPING

Legal Authority: 5 USC 552; 5 USC 4302a; 5 USC 4315; EO 12107; 5 USC 1103; 5 USC 1104; 5 USC 1302; 5 CFR 7.2; EO 9830

CFR Citation: 5 CFR 293

Legal Deadline: None.

Abstract: This section establishes requirements for the Performance Management System on filing and transfer of performance records. The proposed regulation is a technical change that would bring the OPF subpart into conformance with the EPF subpart, indicating that performance ratings of records, and the performance plans on which they are based, may be filed in either the OPF or the EPF.

Timetable:

Action	Date	FR Cite
NPRM	03/11/86	51 FR 8422
Final Action	12/00/87	

Small Entity: No

Agency Contact: Janice B. Smith, Chief, Performance Management Branch, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-7630**

RIN: 3206-AB27

3207. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: Statutory, April 25, 1987.

Abstract: Pursuant to the promulgation of new guidelines by the Director of the Office of Management and Budget, the Freedom of Information Reform Act of 1986 requires each agency to specify (a) the schedule of fees applicable to the processing of FOIA requests and (b) procedures and guidelines for determining when fees should be waived or reduced.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/87	52 FR 13215
Final Action	09/00/87	

Small Entity: No

Agency Contact: William C. Duffy, Chief, Information Plans and Policies Division, Office of Personnel Management, Administration Group, 1900 E Street, NW; Room 6410, Washington, DC 20415, **202 632-7714**

RIN: 3206-AD05

3208. PROTECTION OF PRIVACY AND PERSONNEL RECORDS

Legal Authority: 5 USC 552a

CFR Citation: 5 CFR 297

Legal Deadline: None.

Abstract: The proposed regulations would revise regulations implementing the Privacy Act (5 U.S.C. 552a) to reflect any changes resulting from case law or OPM policy and remove unnecessary material.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28833
Final Action	01/00/88	

Small Entity: No

Agency Contact: John Sanet, Information Specialist, Office of Personnel Management, Office of Workforce Information, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, **202 632-4455**

RIN: 3206-AA70

3209. OVERSEAS EMPLOYMENT

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 301

Legal Deadline: None.

Abstract: Deletes prohibition on agency use of overseas limited appointments in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33548
Final Action	10/00/87	

Small Entity: No

Agency Contact: Ed McHugh, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E St., NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA71

3210. ● NONCOMPETITIVE APPOINTMENT OF CERTAIN FORMER OVERSEAS EMPLOYEES

Legal Authority: EO 12585

CFR Citation: 5 CFR 315

Legal Deadline: None.

Abstract: Regulations to implement Executive Order 12585, which revised appointment criteria of Executive Order 12362. The regulations authorize Federal agencies to make appointments under the criteria of E.O. 12585. Family members (of U.S. Government personnel) who work overseas while accompanying their sponsors on official assignment are eligible for noncompetitive appointment to civil service positions when they return to the United States. Family members must have 18 months of creditable overseas service and may be appointed within the 3-year period following their return to the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/87	52 FR 15706
Final Action	10/00/87	

Small Entity: No

Agency Contact: Ellen Russell, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206-AD16

3211. PROMOTION AND INTERNAL PLACEMENT

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 335

Legal Deadline: None.

Abstract: Proposed regulations to revise the Federal Merit Promotion Program to strengthen management rights, and clarify important concepts.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40436
Analyze comments	02/28/87	
Final Action	12/00/87	

Small Entity: No

OPM

Final Rule Stage

Agency Contact: Raleigh M. Neville, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E Street, NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA90

3212. RESTORATION TO DUTY FROM MILITARY SERVICE AND INJURY COMPENSATION

Legal Authority: 38 USC 2021 et seq; 5 USC 8151

CFR Citation: 5 CFR 353

Legal Deadline: None.

Abstract: Complete revision of Part 353 to update, simplify, and clarify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/10/87	52 FR 11657
Final Action	10/00/87	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206-AC34

3213. REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Legal Authority: 5 USC 4303; 5 USC 4305

CFR Citation: 5 CFR 432

Legal Deadline: None.

Abstract: Proposed regulations would clarify the procedures agencies must follow in removing or reducing in-grade employees whose performance is unacceptable. These changes are necessary due to changing legal requirements brought about by court decisions and OPM interpretations of 5 U.S.C. chapter 43 requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/23/87	52 FR 5463
Final Action	10/00/87	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Employee Relations Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, **202 653-8551**

RIN: 3206-AB21

3214. ● ELIGIBILITY OF DISTRICT OF COLUMBIA GOVERNMENT EMPLOYEES FOR SUPERIOR QUALIFICATIONS APPOINTMENTS

Legal Authority: 5 USC 5333

CFR Citation: 5 CFR 531

Legal Deadline: None.

Abstract: Permits District of Columbia Government employees to be appointed to positions at grades GS-11 and above at rates above the first step of the grade based on their superior qualifications. (Current requirement in section 531.203(b) for a 90-day break in service following D.C. Government employment has been made obsolete by the Home Rule Act.)

Timetable:

Action	Date	FR Cite
NPRM	08/12/87	52 FR 29862
Final Action	11/00/87	

Small Entity: No

Agency Contact: Tracy Spencer, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206-AD19

3215. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None.

Abstract: Proposed rule changes would revise Monroney regulations to limit the use of private sector specialized industry data obtained outside a wage area in setting pay rates for positions in that area.

Timetable:

Action	Date	FR Cite
NPRM	10/08/85	50 FR 40979
Final Action	03/00/88	

Small Entity: No

Agency Contact: Allan Summers, Pay Specialist, Office of Personnel Management, Wage Systems Division, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-7830**

RIN: 3206-AC59

3216. PAY ADMINISTRATION (GENERAL); OVERTIME PAY COMPUTATION

Legal Authority: 5 USC 5548

CFR Citation: 5 CFR 550, Subpart A

Legal Deadline: None.

Abstract: Final regulations would clearly distinguish between overtime work in excess of 8 hours in a day outside the basic 40-hour workweek and overtime work in excess of 8 hours in a day within the basic 40-hour workweek. This change would correct a recent Comptroller General decision that results in an improper payment for overtime work for employees on unusual work schedules.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17762
Final Action	11/00/87	

Small Entity: No

Agency Contact: Edward I. Magee, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-5056**

RIN: 3206-AC98

3217. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL--NONFOREIGN AREAS

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Legal Deadline: None.

Abstract: Comprehensive revision of regulations to reflect revised methodology used to establish nonforeign cost-of-living allowances. (See Alaniz v. Office of Personnel Management, 728 F. 2d 1460 (Fed. Cir. 1984).)

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42531
Final Action	12/00/87	

Small Entity: No

Agency Contact: Barry E. Shapiro, Deputy Assistant Director, Office of

Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, **202 632-7858**

RIN: 3206-AB34

3218. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Legal Deadline: None.

Abstract: Current regulations contain obsolete references to D.C. government employees, who are no longer covered by chapter 63 of title 5 of the United States Code. Final regulations would delete these obsolete references.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
Final Action	09/00/88	

Small Entity: No

Agency Contact: Frank Derby, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-5056**

RIN: 3206-AC47

3219. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None.

Abstract: Proposed new regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Analyze comments	05/31/87	
Final Action	12/01/87	

Small Entity: No

Agency Contact: David H. Martin, Director, Office of Government Ethics, Office of Personnel Management, P.O. Box 14108, Washington, DC 20044, **202 632-2792**

RIN: 3206-AA93

3220. POST EMPLOYMENT CONFLICT OF INTEREST; 1986 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None.

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1986) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	09/00/87	

Small Entity: No

Agency Contact: Gary Davis/Bob Flynn, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AD00

3221. POST EMPLOYMENT CONFLICT OF INTEREST; 1987 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None.

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1987) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	07/00/88	

Small Entity: No

Agency Contact: Gary Davis/Bob Flynn, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AD04

3222. ADVERSE ACTIONS

Legal Authority: 5 USC 7504; 5 USC 7514

CFR Citation: 5 CFR 752

Legal Deadline: None.

Abstract: Revisions to current regulations would clarify agency authorities and obligations in taking adverse actions by incorporating recent decisions of the courts and further explaining existing policy in regard to agencies and employees' responsibilities and rights in situations involving adverse actions.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 9867
Final Action	10/00/87	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Employee Relations Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 653-8551**

RIN: 3206-AC23

3223. ADVERSE ACTIONS (REGULATORY REQUIREMENTS FOR TAKING ADVERSE ACTIONS UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 7543

CFR Citation: 5 CFR 752, Subpart F

Legal Deadline: None.

Abstract: Final regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by Pub. L. 95-454 (October 13, 1978), which was amended by Pub. L. 97-35 (August 13, 1981) and Pub. L. 98-615 (November 8, 1984). The regulations establish procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44818
NPRM	05/30/86	51 FR 19554
Final Action	09/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AA23, and 3206-AB29.

OPM

Final Rule Stage

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AA50

3224. RETIREMENT; ORDER OF PRECEDENCE FOR STATUTORY WITHHOLDINGS FROM ANNUITY

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Legal Deadline: None.

Abstract: Regulations to improve administration of the Civil Service Retirement and Disability Fund by establishing a uniform order of precedence for purposes of offsetting civil service annuity benefits to satisfy statutory obligations, such as state income tax withholding requests and court orders directing apportionment or garnishment of such benefits. Regulations would consolidate disparate rules and practices which have developed for determining the net annuity available for offset for various purposes.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	51 FR 16701
Final Action	12/00/87	

Small Entity: No

Agency Contact: Ray Kirk, Supervisory Paralegal Specialist, Acting Chief, Retirement Policy Division, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W.; Washington, D.C. 20415, **202 632-4682**

RIN: 3206-AB70

3225. RETIREMENT; PART-TIME EMPLOYEES

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Legal Deadline: None.

Abstract: Final regulation to implement new method of computing annuities of part-time employees, as enacted by Pub. L. 99-272, to pro-rate the benefit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/15/87	52 FR 1621
Final Action	12/00/87	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4682**

RIN: 3206-AC95

3226. RETIREMENT; UNDERDEDUCTIONS OF RETIREMENT CONTRIBUTIONS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Legal Deadline: None.

Abstract: Regulations to establish procedures for correcting errors resulting in underdeductions of civil service retirement contributions. Agencies would be required to submit the agency's contribution and employees would have the option to make a deposit at any time prior to retirement.

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19150
Final Action	12/00/87	

Small Entity: No

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4682**

RIN: 3206-AC96

3227. RETIREMENT; PROCESSING COURT ORDERS FOR APPORTIONMENT OF CIVIL SERVICE RETIREMENT SYSTEM ANNUITY AND COMPETING CLAIMS FOR SURVIVOR BENEFITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subparts A and Q

Legal Deadline: None.

Abstract: Regulations to establish streamlined procedures for handling court orders for apportionment of civil service retirement annuity and competing claims for survivor benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/30/86	51 FR 47021
Final Action	09/00/87	

Small Entity: No

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4682**

RIN: 3206-AC93

3228. RETIREMENT; CREDIT FOR SERVICE UNDER CSRS FOR CERTAIN SERVICE AS NATIONAL GUARD TECHNICIANS, CADET NURSE, AND NONAPPROPRIATED FUND EMPLOYEES

Legal Authority: 5 USC 8347; PL 99-638; PL 99-661

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: Statutory, January 10, 1987. Deadline for PL 99-638 is January 10, 1987. Deadline for PL 99-661 is October 1, 1987.

Abstract: Public Laws 99-638 and 99-661 provide that service performed as a National Guard technician prior to 1968 or two or more years of service in the Cadet Nurse Corps during World War II may be creditable service if certain conditions are met. Public Law 99-638 also extends CSRS service credit to certain nonappropriated fund employees who were employed after June 18, 1952, and before January 1, 1966, and who were subject to CSRS on November 9, 1986. The regulations implement the new provisions of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/87	52 FR 3785
Final Action	10/00/87	

Small Entity: No

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4682**

RIN: 3206-AD13

OPM

Final Rule Stage

3229. RETIREMENT; CREDIT FOR SERVICE; FOOD SERVICE EMPLOYEES OF THE HOUSE OF REPRESENTATIVES MAY RETAIN CSRS OR FERS

Legal Authority: 5 USC 8347; PL 99-500

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: None.

Abstract: Food service employees of the House of Representatives who lose their Federal jobs but remain employed by the private contractor assuming the House food services operations may elect to retain retirement coverage under CSRS or FERS. OPM must, in consultation with the Architect of the Capitol, prescribe implementing regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/87	52 FR 5069
Final Action	09/00/87	

Small Entity: No

Agency Contact: John Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AD14

3230. RETIREMENT; CREDIT FOR SERVICE; EMPLOYEES WHO TRANSFER TO AIRPORTS AUTHORITY

Legal Authority: 5 USC 8347; PL 99-500

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: None.

Abstract: The Metropolitan Airports Transfer Act of 1986 provides that any Federal employee who transfers to the Airports Authority and who on the day before the date the lease takes effect is subject to CSRS or FERS may retain that coverage so long as continually employed by the Airports Authority. The regulations implement the new provisions of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/87	52 FR 5069
Final Action	11/00/87	

Small Entity: No

Agency Contact: John Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AD15

3231. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, Q, and T

Legal Deadline: None.

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule -- Revised	09/08/86	51 FR 31927
Final Action	12/00/87	

Small Entity: No

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Retirement and Insurance Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4682

RIN: 3206-AB75

3232. RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

Legal Authority: 5 USC 8347; 5 USC 8336(c)

CFR Citation: 5 CFR 831, Subpart I

Legal Deadline: None.

Abstract: Current regulations do not adequately articulate the criteria for determining whether an employee meets the statutory definition of "law enforcement officer" or "firefighter." Regulations would clarify the criteria used by OPM to establish eligibility of employees under the special retirement provisions for law enforcement officers and firefighters.

Timetable:

Action	Date	FR Cite
NPRM	12/19/86	51 FR 45471
Final Action	09/00/87	

Small Entity: No

Agency Contact: Ray Kirk, Supervisory Paralegal Specialist, Acting Chief, Retirement Policy Division, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AB09

3233. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None.

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	11/00/87	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AB35

3234. CIVIL SERVICE RETIREMENT, FEGLI, AND FEHBP COVERAGE FOR D.C. GOVERNMENT EMPLOYEES HIRED AFTER SEPTEMBER 30, 1987

Legal Authority: 5 USC 8347; 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 831; 5 CFR 870; 5 CFR 890

Legal Deadline: None.

Abstract: Regulations to specify that D.C. Government employees first hired after September 30, 1987, are excluded from Civil Service Retirement coverage and participation under the Federal Employees' Group Life Insurance and the Federal Employees' Health Benefits

Programs by virtue of Public Law 99-335, enacted on June 6, 1986.

Timetable:

Action	Date	FR Cite
NPRM	05/08/87	52 FR 17387
Final Action	10/00/87	

Small Entity: No

Agency Contact: Eleanor Goodwin, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD09

3235. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841 to 846

Legal Deadline: None. New system took effect January 1, 1987.

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/86	51 FR 47185
Interim Final Rule	01/16/87	52 FR 2056
Interim Final Rule	02/11/87	52 FR 4472
Final Action	03/31/88	

Small Entity: No

Agency Contact: Mary Sugar, FERS Task Force, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-5560

RIN: 3206-AC94

3236. CONTINUATION OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE COVERAGE DURING MILITARY SERVICE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870

Legal Deadline: None.

Abstract: Interim regulations, with a period of time provided for comments, to specify that coverage under the Federal Employees' Group Life Insurance Program may now be continued for up to 12 months for an employee who enters the military on active duty or active duty for training in the same way coverage is continued in other types of non-pay status. This change was effected by Public Law 99-335, enacted on June 6, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/87	52 FR 12133
Final Action	09/00/87	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD10

3237. ● STANDARDIZATION OF TERMS USED UNDER THE FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 874

Legal Deadline: None.

Abstract: Provides uniform definitions for such terms as "child" and "parent" which appear in the statutory order of precedence for making payments under the Federal Employees Group Life Insurance (FEGLI) Program. These regulations would present a standardized approach to inheritance rights under the FEGLI Program no matter where the potential heirs might reside.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28841
Final Action	12/00/87	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD27

3238. AN ADDITIONAL OPPORTUNITY FOR ANNUITANTS TO ENROLL FOR FEDERAL EMPLOYEES' HEALTH BENEFITS COVERAGE

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None.

Abstract: These regulations would permit an annuitant who is covered by the FEHB enrollment of another person to enroll for self only or self and family coverage in the same plan and option when the covering enrollment is cancelled. The existing regulations currently permit only active employees to take such actions.

Timetable:

Action	Date	FR Cite
NPRM	05/07/87	52 FR 17300
Final Action	10/00/87	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD12

3239. ● CREDIT FOR CHAMPUS COVERAGE FOR THE PURPOSE OF CONTINUING AN FEHB ENROLLMENT DURING RETIREMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None.

Abstract: These regulations would clarify OPM's intention to no longer allow credit for time spent under CHAMPUS when considering whether a retiring employee has been enrolled or covered by an FEHB plan for a sufficient period of time prior to retirement. CHAMPUS time would not be credited for individuals retiring on or after January 1, 1993.

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19151
Final Action	10/00/87	

OPM — **Final Rule Stage**

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4634**

RIN: 3206-AD26

3240. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TERMINATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Legal Deadline: None.

Abstract: Regulations to extend OPM'S authority to terminate an individual's enrollment in an FEHB group practice comprehensive medical plan to include individual practice comprehensive medical plans and mixed-model medical plans.

Timetable:

Action	Date	FR Cite
NPRM	06/26/87	52 FR 24014
Final Action	10/00/87	

Small Entity: No

Agency Contact: Bonnie R. Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4634**

RIN: 3206-AB84

3241. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REGISTRATION AND ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None.

Abstract: Regulations to allow an employee or annuitant to change to self and family coverage if a non-federally employed spouse or former spouse loses non-Federal health insurance coverage under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/12/87	52 FR 22475
Final Action	11/00/87	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4634**

RIN: 3206-AB87

3242. PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) ADMINISTRATIVE LAW JUDGES

Legal Authority: 5 USC 553-9; 5 USC 1104(a)(2); 5 USC 1305; 5 USC 3105; 5 USC 3344; 5 USC 4301(2)(d); 5 USC 5335(a)(3)(B); 5 USC 5372; 5 USC 7521

CFR Citation: 5 CFR 930, Subpart B

Legal Deadline: None.

Abstract: Update and clarification of OPM regulations governing examining and employment of Administrative Law Judges. These regulations have not been reviewed as a whole for many years and contain out-of-date terminology.

Timetable:

Action	Date	FR Cite
NPRM	03/20/87	52 FR 8909
Final Action	09/00/87	

Small Entity: No

Agency Contact: Craig B. Pettibone, Assistant Director for, Administrative Law Judges, Office of Personnel Management, Career Entry Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-5677**

RIN: 3206-AB91

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Completed Actions

3243. REDUCTION IN FORCE, IDENTIFICATION OF EMPLOYEES FOR TRANSFER OF FUNCTION

CFR Citation: 5 CFR 351

Completed:

Reason	Date	FR Cite
Final Action	03/30/87	52 FR 10023
Final Action Effective	04/29/87	

Small Entity: No

Agency Contact: Tom Glennon 202 632-6817

RIN: 3206-AC33

3244. PERFORMANCE MANAGEMENT SYSTEM FOR PREVAILING RATE EMPLOYEES

Significance: Regulatory Program

CFR Citation: 5 CFR 430

Completed:

Reason	Date	FR Cite
Withdrawn	05/30/87	

Small Entity: No

Agency Contact: Claudia Cooley 202 632-5796

RIN: 3206-AD01

3245. PAYMENT OF TRAVEL AND TRANSPORTATION EXPENSES TO FIRST POST OF DUTY FOR NEW APPOINTEES, GS-15 AND BELOW

CFR Citation: 5 CFR 572

Completed:

Reason	Date	FR Cite
Final Action	08/04/87	52 FR 28815
Final Action Effective	09/03/87	

Small Entity: No

Agency Contact: Tracy Spencer 202 632-6817

RIN: 3206-AD02

3246. ABSENCE AND LEAVE; ANNUAL AND SICK LEAVE

CFR Citation: 5 CFR 630, Subparts A to E

Completed:

Reason	Date	FR Cite
Withdrawn	07/24/87	

Small Entity: No

OPM

Completed Actions

Agency Contact: James Matteson 202 632-5056

RIN: 3206-AA44

3247. EMPLOYEE CONDUCT AND RESPONSIBILITIES

CFR Citation: 5 CFR 735

Completed:

Reason	Date	FR Cite
Withdrawn	08/20/87	

Small Entity: No

Agency Contact: Stuart D. Rick 202 632-5030

RIN: 3206-AC22

3248. RETIREMENT; ORDER OF PRECEDENCE FOR APPLICATION OF SERVICE CREDIT DEPOSITS

CFR Citation: 5 CFR 831

Completed:

Reason	Date	FR Cite
Final Action	08/27/87	
Final Action Effective	09/28/87	

Small Entity: No

Agency Contact: Ray Kirk 202 632-4682

RIN: 3206-AB79

3249. RETIREMENT; SURVIVOR BENEFITS

CFR Citation: 5 CFR 831, Subpart F

Completed:

Reason	Date	FR Cite
Final Action	03/31/87	52 FR 10215
Final Action Effective	04/30/87	

Small Entity: No

Agency Contact: Ray Kirk 202 632-4682

RIN: 3206-AB74

3250. RECONSIDERATION PROCEDURES UNDER EITHER FEGLI OR FEHBP FOLLOWING DENIAL OF THE OPPORTUNITY TO ENROLL OR CHANGE ENROLLMENT

CFR Citation: 5 CFR 870; 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	07/06/87	52 FR 25197
Final Action Effective	08/05/87	

Small Entity: No

Agency Contact: John Ray 202 632-4634

RIN: 3206-AD08

3251. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM: IMPAIRED DOCTOR/PATIENT RELATIONSHIP

CFR Citation: 5 CFR 890.103

Completed:

Reason	Date	FR Cite
Withdrawn (Action taken under RIN 3206-AB84.)	08/07/87	

Small Entity: No

Agency Contact: Bonnie Rose 202 632-4634

RIN: 3206-AC90

3252. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; HEALTH BENEFITS PLANS

CFR Citation: 5 CFR 890, Subpart B

Completed:

Reason	Date	FR Cite
Final Action	06/26/87	52 FR 23933
Final Action Effective	07/27/87	

Small Entity: No

Agency Contact: John Ray 202 632-4634

RIN: 3206-AB86

3253. FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATIONS

CFR Citation: 48 CFR 16

Completed:

Reason	Date	FR Cite
Final Action	05/01/87	52 FR 16032
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206-AB07

[FR Doc. 87-21255 Filed 10-23-87; 8:45 am]

BILLING CODE 6325-01-T

federal register

Monday
October 26, 1987

Part XXXIII

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street, NW., Suite 550, Washington, DC 20036-4996, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011-5000.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 87-16.

Dated: August 26, 1987.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Prerule Stage

3254. ● TOLLS FOR USE OF CANAL

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 133, (Revision)

Legal Deadline: None.

Abstract: Due to operating cost increases, including inflation, since the last toll rate increase (March 1983), the Panama Canal Commission is currently considering increasing the rates of tolls charged vessels transiting the Canal. An approximate 9% increase may be proposed effective in FY 1989 to achieve the Commission's regulatory requirement to recover from users all costs of operating and maintaining the waterway.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW, Suite 550, Washington, DC 20036-4996, **202 634-6441**

RIN: 3207-AA04

PANAMA CANAL COMMISSION (PANAMA) — Proposed Rule Stage

3255. ● CLASSIFIED INFORMATION

Legal Authority: EO 12356

CFR Citation: 35 CFR 60, (Revision)

Legal Deadline: None.

Abstract: The Panama Canal Commission proposes to revise 35 CFR 60 which governs its use of security information to incorporate certain provisions of Presidential Executive Order 12356.

Timetable:

Action	Date	FR Cite
NPRM	04/01/88	

Small Entity: No

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000, **202 634-6441**

RIN: 3207-AA01

3256. PANAMA CANAL COMMISSION ACQUISITION REGULATION

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR Chapter 35

Legal Deadline: None.

Abstract: The proposed regulation sets forth policies and procedures of the Panama Canal Commission for the acquisition of supplies and services, including construction. The regulation implements and supplements the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	

Small Entity: Undetermined

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami 34011-5000, **202 634-6441**

RIN: 3207-AA10

3257. ● PRIVACY ACT SYSTEMS OF RECORDS

Legal Authority: 5 USC 552

CFR Citation: 35 CFR 10, (Revisions)

Legal Deadline: None.

Abstract: The Panama Canal Commission is required by the Privacy Act of 1974, 5 USC 552a(e)(4), to give

PANAMA

Proposed Rule Stage

annual notice in the Federal Register of the existence and character of the systems of records it maintains.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	

Small Entity: No

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000, **202 634-6441**

RIN: 3207-AA15

3258. ● EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 22 USC 3622

CFR Citation: 35 CFR 255, (Revision)

Legal Deadline: None.

Abstract: The Panama Canal Commission proposes to amend its regulations to implement the Ethics in Government Act, the Commission's Code of Conduct as approved by its Board of Directors, and supplementary regulations that clarify certain provisions of the Code of Conduct.

Timetable:

Action	Date	FR Cite
NPRM	02/01/88	

Small Entity: No

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000, **202 634-6441**

RIN: 3207-AA16

PANAMA CANAL COMMISSION (PANAMA)

Final Rule Stage

3259. IMPLEMENTATION OF THE FOI REFORM ACT OF 1986 AND REVISIONS TO THE FEE SCHEDULE OF THE FOIA

Legal Authority: 5 USC 552

CFR Citation: 35 CFR 9A, (Revision)

Legal Deadline: None.

Abstract: The Panama Canal Commission proposes to amend its regulations to implement the Freedom of Information Reform Act of 1986 and to update its fee schedule for Freedom of Information and Privacy Act requests. These proposed changes would identify different types of requestors and bring the fees into conformance with current costs incurred by the agency in processing requests.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/20/87	
Interim Final Rule Comment Period Ends	10/19/87	

Small Entity: No

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011, **202 634-6441**

RIN: 3207-AA13

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

3260. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PANAMA CANAL COMMISSION PROGRAMS

CFR Citation: 35 CFR 257

Completed:

Reason	Date	FR Cite
Final Action	07/10/87	52 FR 26001

Small Entity: No

Agency Contact: John L. Haines, Jr. 202 634-6441

RIN: 3207-AA08

[FR Doc. 87-21256 Filed 10-23-87; 8:45 am]

BILLING CODE 3640-04-T

federal register

Monday
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Part XXXIV

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from October 1, 1987 through September 30, 1988. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 806 Connecticut Avenue, NW., Washington, DC 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulations, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Margaret H. Thome,

Acting Associate Director for Management.

PEACE CORPS (PEACE)

Proposed Rule Stage

3261. EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 310

Legal Deadline: None.

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps employees. Under development.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Not Applicable

Agency Contact: H. Zeke Rodriguez, Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue, NW, Washington, DC 20526, **202 254-8320**

RIN: 0420-AA01

3262. VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURES

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 306

Legal Deadline: None.

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps Volunteers. Under development.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Not Applicable

Agency Contact: H. Zeke Rodriguez, Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue, NW, Room M-1107, Washington, DC 20526, **202 254-8320**

RIN: 0420-AA02

3263. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504 - HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Legal Deadline: None.

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Agency Contact: John Scales, General Counsel, Peace Corps, 806 Connecticut Avenue, NW, Room M-1207, Washington, DC 20526, **202 254-3114**

RIN: 0420-AA03

PEACE CORPS (PEACE)

Completed Actions

3264. COLLECTION OF CLAIMS BY ADMINISTRATIVE OFFSET

CFR Citation: 22 CFR 309

Completed:

Reason	Date	FR Cite
Final Action	04/30/87	52 FR 15719
Final Action Effective	04/30/87	

Small Entity: Not Applicable

Agency Contact: Richard M. Brewer 202 254-6794

RIN: 0420-AA00

3265. PEACE CORPS STANDARDS OF CONDUCT

Significance: Agency Priority

CFR Citation: 22 CFR 307

Completed:

Reason	Date	FR Cite
Final Action	08/13/87	52 FR 30151
Final Action Effective	08/13/87	

Small Entity: Not Applicable

Agency Contact: Randi Greenwald 202 254-3114

RIN: 0420-AA04

[FR Doc. 87-21257 Filed 10-23-87; 8:45 am]

BILLING CODE 6051-01-T

federal register

Monday
October 26, 1987

Part XXXV

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The Agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004; (202) 724-9088.

Dated: August 20, 1987.

M. J. Brodie,

Executive Director, Pennsylvania Avenue Development Corporation.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Prerule Stage

3266. ● DEVELOPMENT POLICIES AND PROCEDURES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911, (New)

Legal Deadline: None.

Abstract: The Corporation is studying ways to apply past experience to update its Development Policies and Procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208-AA06

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Proposed Rule Stage

3267. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None.

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208-AA01

3268. PRIVACY ACT UPDATE; DISCLOSURES OF PERSONAL INFORMATION DURING LITIGATION

Legal Authority: 5 USC 552(a); 40 USC 870

CFR Citation: 36 CFR 903

Legal Deadline: None.

Abstract: These regulations adopt rules regarding the routine use of records contained in PADC record systems for disclosure to the Department of Justice and to PADC during the course of litigation. The regulations are intended to make nonconsensual disclosure of personal information routinely used in litigation more consistent with the requirements of the Privacy Act.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/85	50 FR 45841
Comment Period End		
NPRM	11/04/85	50 FR 45841

Next Action Undetermined

Small Entity: No

Agency Contact: Talbot J. Nicholas II, Attorney, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208-AA04

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) Completed Actions

3269. ● FREEDOM OF INFORMATION ACT; TRADE SECRETS OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL

Significance: Agency Priority

Legal Authority: EO 12600

CFR Citation: 36 CFR 902.54

Legal Deadline: None.

Abstract: This addition to the FOIA regulation implements the President's Executive Order requiring Federal agencies to establish predisclosure notification procedures governing FOIA requests for release of records containing confidential commercial and financial information disclosure of which can reasonably be expected to result in substantial competitive harm to the submitter.

Timetable:

Action	Date	FR Cite
NPRM	04/24/87	52 FR 13722
Final Action	07/16/87	52 FR 26677

Small Entity: No

Agency Contact: Talbot J. Nicholas II, Attorney, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208-AA07

[FR Doc. 87-21258 Filed 10-23-87; 8:45 am]

BILLING CODE 7630-01-T

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Monday
October 26, 1987

Part XXXVI

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact J. Ronald Goldstein, Attorney, Office of the General Counsel, 202-778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, Pub. L. 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 87-16) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Proposed Rule Stage

3270. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Legal Deadline: None.

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	03/00/88	

Small Entity: No

Additional Information: Publication of this proposed regulation has been delayed because of the need to revise the portions dealing with waiver of a multiemployer plan's contingent liability to reflect certain changes in related statutory provisions made by the Single-Employer Pension Plan Amendments Act of 1986.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA20

3271. ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None.

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/06/87	52 FR 37329
NPRM Comment Period End	12/07/87	

Small Entity: No

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no

double-charging with respect to the old liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan.

This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212-AA37

3272. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647 (Amendment)

Legal Deadline: None.

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR Part 2647) providing for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	03/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA38

3273. DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642 (Amendment)

Legal Deadline: None.

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(f) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of benefits is increased. This regulation will impose no new costs.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA39

3274. ALLOCATING UNFUNDED VESTED BENEFITS: FULLY FUNDED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c)

CFR Citation: 29 CFR 2642

Legal Deadline: None.

Abstract: In a notice published in the FEDERAL REGISTER on December 31, 1986 (51 FR 47342), the PBGC issued its interpretation that ERISA section 4211 does not permit the assessment of withdrawal liability against an employer by a multiemployer plan that had no unfunded vested benefits as of the end of the plan year preceding the employer's withdrawal. This interpretation raises certain questions as to the proper manner of applying the allocation methods prescribed in section 4211(b) and (c)(2) by a plan that at one time was fully funded, but is no longer. The PBGC plans to issue a

proposed amendment to its regulation on allocating unfunded vested benefits dealing with this issue.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
NPRM Comment Period End	07/00/88	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counselons Department, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA51

3275. VALUATION OF PLAN BENEFITS IN SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Legal Deadline: None.

Abstract: This rule would amend PBGC's regulation on Valuation of Plan Benefits in Single-Employer Plans, 29 CFR Part 2619. That regulation sets forth the rules for valuing benefits in terminating plans that are covered by the insurance program under ERISA, which valuation is needed to determine if plan assets are sufficient to provide for plan benefits and to properly allocate assets to those benefits. After review of this regulation pursuant to Executive Order 12291, the PBGC is amending the rules for valuing benefits payable as lump sums upon termination. The effect of this amendment is to prescribe a new standard for the interest rates used to value lump sums that are paid in lieu of annuities, and to require that in valuing involuntary lump sums, pre-retirement mortality is to be disregarded. The amendment is needed to protect recipients of lump sum distributions from loss of benefit value resulting from the use of inappropriate valuation methods.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA26

3276. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
NPRM Comment Period End	06/00/88	

Small Entity: No

Agency Contact: Mr. Harold Ashner, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8823

RIN: 1212-AA35

3277. RETIREMENT EQUITY ACT AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2613; 29 CFR 2618; 29 CFR 2619

Legal Deadline: None.

Abstract: Part 2613 of the PBGC's regulations defines "nonforfeitable" and "guaranteed" benefits for the purposes of Title IV of ERISA. Part 2618 implements the statutory rules for allocating plan assets to pay benefits upon plan termination. Part 2619 prescribes rules for valuing plan benefits, including rules for determining the form of benefit to be valued. Each of these regulations is effected by the Retirement Equity Act of 1984 ("REA").

REA provides that certain early retirement benefits and retirement-type subsidies and optional benefit forms will be treated as accrued benefits, and that their elimination will be treated as an impermissible reduction in accrued benefits. These amendments will conform PBGC's regulations to the provisions of REA. The amendments will impose no new costs on plans and may alleviate administrative burdens by providing definitive rules.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
NPRM Comment Period End	06/00/88	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA36

3278. EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS: INTEREST RATE

Legal Authority: 29 USC 1302(b); 29 USC 1362 to 1364; 29 USC 1367 to 1368

CFR Citation: 29 CFR 2622

Legal Deadline: None.

Abstract: The PBGC's employer liability regulation incorporates by reference the interest rate charged under section 6601 of the Internal Revenue Code as the interest rate charged, or credited, on late payments, or overpayments, of employer liability. The Tax Reform Act of 1986 significantly changed the way in which the section 6601 rate is established and creates two interest rates: one for underpayments and another, lower rate for overpayments. Because of these changes, the PBGC plans to conduct a new rulemaking proceeding to determine whether it should continue to use the section 6601 interest rates under the employer liability regulation or whether it should adopt a new rate(s) for this purpose.

PBGC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
NPRM Comment Period End	02/00/88	

Small Entity: No

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA48

3279. DISTRESS TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11009

CFR Citation: 29 CFR 2616

Legal Deadline: None.

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 substantially revised ERISA section 4041 dealing with the voluntary termination of single-employer pension plans. Under amended section 4041, unless a plan has sufficient assets to satisfy all plan benefit commitments, it may voluntarily terminate only in a "distress" termination; i.e., a termination in which the plan sponsor and the substantial members of its controlled group are able to demonstrate either such financial hardship or unduly burdensome pension costs that, as a practical matter, the sponsor is unable to continue to maintain the plan. The statutory rules and procedures for distress terminations are substantially different from the prior rules and procedures for terminating insufficient plans. Therefore, it is necessary to revise the PBGC's plan termination regulations to reflect these new rules and procedures. This regulation covering distress terminations and a companion rule covering standard terminations (to be codified in Part 2617) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	07/00/88	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA41

3280. STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11008

CFR Citation: 29 CFR 2617

Legal Deadline: None.

Abstract: Under the Single-Employer Pension Plan Amendments Act of 1986, absent a showing of financial hardship or unduly burdensome pension costs that would satisfy the requirements for a distress termination, a single-employer plan my be voluntarily terminated only if it is sufficient for all benefit commitments (i.e., all nonforfeitable benefits). This is referred to as a "standard" termination. The Act also modifies many of the termination rules and procedures that applied under prior law, both to increase the protections afforded plan participants and beneficiaries and to simplify and expedite the PBGC's processing of these sufficient plan terminations. It is, therefore, necessary to promulgate this new regulation implementing SEPPAA's new rules and procedures for standard terminations. This regulation and its companion regulation covering distress terminations (to be codified in Part 2616) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	07/00/88	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA47

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Final Rule Stage

3281. RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341A ERISA; 29 USC 1441 ERISA

CFR Citation: 29 CFR 2675

Legal Deadline: None.

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

PBGC — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24536
NPRM Comment Period End	09/05/86	
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA19

3282. ALLOCATING UNFUNDED VESTED BENEFITS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(c)

CFR Citation: 29 CFR 2642

Legal Deadline: None.

Abstract: On January 19, 1981, PBGC issued an interim regulation dealing with alternative methods for allocating unfunded vested benefits in multiemployer pension plans. PBGC now plans to re-promulgate that regulation in order to correct ambiguities that have arisen under it, to conform the procedures contained in it to other PBGC regulations, and to reduce the information reporting requirements in the regulation. The regulation will impose no new costs on the public and may reduce costs for plans adopting certain alternative allocation rules by reducing the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/09/85	50 FR 36603
NPRM Comment Period End	11/08/85	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA21

3283. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1388(e)(3)

CFR Citation: 29 CFR 2646

Legal Deadline: None.

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal liability arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21319
NPRM Comment Period End	08/04/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212-AA22

3284. THE RETIREMENT EQUITY ACT AMENDMENTS: CASH-OUT LIMITATION

Legal Authority: 29 USC 1302(b); 29 USC 1341; 29 USC 1344; 29 USC 1362; PL 99-272, Sec 11008 to 11009; PL 99-272, Sec 11011

CFR Citation: 29 CFR 2613; 29 CFR 2617; 29 CFR 2619

Legal Deadline: None.

Abstract: The PBGC's guaranteed benefits regulation (29 CFR Part 2613) provides that the PBGC will not pay lump sum benefits under insufficient plans unless the value of the benefit is $1,750 or less. Similarly, the plan sufficiency and valuation of benefits regulations (29 CFR Parts 2617 and 2619) permit plan administrators of terminating sufficient plans to pay lump sum benefits without a participant's consent if the value of the benefit is $1,750 or less. This $1,750 limit corresponds to the "cash-out" provisions in ERISA section 204(d) and Internal Revenue Code section 411(b)(7)(B). These provisions were amended by the Retirement Equity Act of 1984 to raise the cash-out limit to $3,500, in recognition of the effects of inflation on the value of small pension benefits. The PBGC believes that the same consideration supports its raising the lump sum limitation in these several regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44798
NPRM Comment Period End	02/10/87	
Final Action	10/00/87	

Small Entity: No

Additional Information: This amendment had previously been included in RIN 1212-AA36, "Retirement Equity Act Amendments". However, that project is large and complex, and therefore, those amendments will not be issued for some time. The PBGC believes that the interest of plan participants is best served by splitting out this one amendment so that it may be issued more quickly.

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of

PBGC — Final Rule Stage

the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA49

3285. ● PAYMENT OF PREMIUMS

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1306; 29 USC 1307

CFR Citation: 29 CFR 2610

Legal Deadline: None. When legislation is finally enacted, it may contain a deadline, but none exists currently.

Abstract: Congress is currently considering, as part of the budget reconciliation, legislation to increase the premium paid by single-employer plans, and, perhaps, to change the way the premium is determined as well. Any change in the premium will necessitate conforming amendments to the PBGC's regulation on payment of premiums. The PBGC currently anticipates that the new premium would be effective for plan years beginning on or after January 1, 1988.

Timetable:

Action	Date	FR Cite
Final Action	01/00/88	

Small Entity: Not Applicable

Agency Contact: Ms. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, D.C. 20006, 202 778-8850

RIN: 1212-AA53

3286. MISCELLANEOUS SEPPAA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1322; 29 USC 1343; 29 USC 1344; 29 USC 1362 to 1364; 29 USC 1367 to 1368; PL 99-272, Sec 11008 to 11011; PL 99-272, Sec 11016

CFR Citation: 29 CFR 2606; 29 CFR 2615; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None.

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") made several changes in Title IV rules and procedures that effect and, in some cases, override portions of several PBGC regulations. For this reason, these regulations - administrative review of agency decisions, benefit reductions in terminated plans, reportable events and employer liability - must be amended to conform them to SEPPAA's new provisions. For example, because SEPPAA alters the determinations that the PBGC may make with respect to voluntary plan terminations, the list in 29 CFR 2606.1(b) of determinations subject to agency review must be amended.

Similarly, SEPPAA contains, for distress terminations, specific benefit cutback rules. These rules differ somewhat from those set forth in 29 CFR Part 2623 and, therefore, conforming amendments to Part 2623 are required. SEPPAA also increases the liability to the PBGC of an employer that terminates an underfunded plan, providing for liability in excess of 30% of the employer's net worth in cases where the plan asset insufficiency substantially exceeds the net worth limitation. (CONT)

Timetable:

Action	Date	FR Cite
Final Action	02/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: SEPPAA also provides special payment rules for this additional liability. The employer liability regulation needs to be amended to reflect these changes.

This rulemaking reflects the merger of four separate items on the PBGC's last regulation agenda (51 FR 39086): RINS 1212-AA43, 1212-AA44, 1212-AA45 and 1212-AA46. Since each of these items dealt with amendments necessitated by the enactment of SEPPAA, and since there will be few amendments to the regulations (save, perhaps, to the employer liability regulation), the PBGC determined that it would be more efficient to combine the four projects into one.

After reviewing the employer liability regulation, the PBGC has determined that SEPPAA's rules creating employer liability to section 4049 trusts and to the section 4042 trustees (referred to in the prior regulation agenda) should not be added to the existing regulation. Any PBGC rules implementing these new liability provisions will be the subject of a separate regulation.

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA50

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Completed Actions

3287. IMPLEMENTATION GUIDELINES (TRANSACTIONS INVOLVING REVERSIONS OF RESIDUAL ASSETS)

Legal Authority: 29 USC 1302; 29 USC 1321; 29 USC 1322; 29 USC 1341; 29 USC 1344

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: On May 23, 1984, the PBGC announced that it, along with the Treasury Department and the Department of Labor, had adopted implementation guidelines for processing defined benefit pension plan terminations involving asset reversions to the plan sponsor. This regulation will implement those principles and provide more detailed rules concerning the requirements that certain types of transactions must satisfy in order to be recognized as valid terminations under Title IV of ERISA.

Timetable:

Action	Date	FR Cite
Withdrawn	07/10/87	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General

Counsel, (22500), 2020 K St., NW, Washington, DC 20006. **202 778-8850**

RIN: 1212-AA27

[FR Doc. 87-21259 Filed 10-23-87; 8:45 am]

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Monday
October 26, 1987

Part XXXVII

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: September 1, 1987.
By Authority of the Board.
For the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3288	Part 220 Disability Determinations	3220-AA01
3289	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from such Determinations	3220-AA11
3290	Annuity Beginning and Ending Dates	3220-AA13
3291	Evidence Required for Payment	3220-AA14
3292	Eligibility for an Annuity	3220-AA15
3293	Application for Annuity or Lump Sum	3220-AA16
3294	Enforcement of Nondiscrimination on the Basis of Handicapped in Programs or Activities Conducted by the Railroad Retirement Board	3220-AA22
3295	Transfer or Assignment of Payments	3220-AA43
3296	Erroneous Payments	3220-AA44
3297	Sickness Benefits and Maternity Benefits	3220-AA45
3298	Debt Collection	3220-AA47
3299	Recovery of Debts Owed to the United States Government by Employees	3220-AA49
3300	Employer Status	3220-AA51
3301	Employer Status	3220-AA52
3302	Employment Relation	3220-AA53
3303	Employee Representative	3220-AA55

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3304	Primary Insurance Amount Determinations	3220-AA02
3305	Railroad Employers Reports and Responsibilities	3220-AA25
3306	Creditable Railroad Service	3220-AA26
3307	Creditable Railroad Compensation	3220-AA27

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3308	Computing the Employee and Spouse Annuity	3220-AA03
3309	Jurisdiction Determinations	3220-AA28
3310	Family Relationship	3220-AA29
3311	Survivor Annuity Computations	3220-AA30
3312	Social Security Overall Minimum Annuity	3220-AA31
3313	Deductions for Work	3220-AA32
3314	Federal Health Insurance Benefits for the Aged and Disabled	3220-AA33
3315	Eligibility for Federal Health Insurance Benefits	3220-AA34

RRB

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3316	Premium Collection for Federal Health Insurance Supplementary Medical Insurance Benefits	3220-AA35
3317	Federal Health Insurance Benefits Coverage Outside the United States	3220-AA36
3318	Withholding Payment	3220-AA41
3319	Waiver of Annuity	3220-AA42
3320	Administration of Estates	3220-AA48

RAILROAD RETIREMENT BOARD (RRB) — Proposed Rule Stage

3288. PART 220 DISABILITY DETERMINATIONS

Significance: Regulatory Program

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Legal Deadline: None.

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Grace Koester, Regulations Project Director, Railroad Retirement Board, Bureau of Hearings and Appeals, 844 Rush Street, Chicago, IL 60611, **312 751-4793**

RIN: 3220-AA01

3289. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 355(b); 45 USC 362(l)

CFR Citation: 20 CFR 320; 20 CFR 340

Legal Deadline: None.

Abstract: The Board's regulation setting forth the procedures to be followed in rendering initial decisions and in requesting and handling reconsiderations and appeals from these decisions has been reviewed and a proposal to make certain revisions in Part 320 is being developed. The regulation will conform the procedures more closely to those applicable under the Railroad Retirement Act. The amendment to Part 340 explains when and under what circumstances waiver of recovery of erroneous payments may occur.

Timetable:

Action	Date	FR Cite
NPRM	08/14/87	52 FR 30383
NPRM Comment Period End	10/13/87	52 FR 30383
Final Action	12/00/87	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4935**

RIN: 3220-AA11

3290. ANNUITY BEGINNING AND ENDING DATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Legal Deadline: None.

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4935**

RIN: 3220-AA13

3291. EVIDENCE REQUIRED FOR PAYMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Legal Deadline: None.

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, Bureau of Law, 844 Rush Street, Chicago, IL 60611, **312 751-4935**

RIN: 3220-AA14

RRB

Proposed Rule Stage

3292. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Legal Deadline: None.

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Karl Blank, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4941

RIN: 3220-AA15

3293. APPLICATION FOR ANNUITY OR LUMP SUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Legal Deadline: None.

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, Bureau of Law, 844 Rush Street, Chicago, IL 60611, 312 751-4935

RIN: 3220-AA16

3294. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

Legal Authority: 29 USC 791; 29 USC 792; 29 USC 794 Rehabilitation Act of 1973; 42 USC 4151 to 4157; EO 12067; EO 12250; PL 95-602, Sec 119

CFR Citation: 20 CFR 364; 28 CFR 41; 28 CFR 41.3(f); 28 CFR 41.5(b)(2); 28 CFR 41.31; 28 CFR 41.32; 28 CFR 41.51; 28 CFR 41.56 to 41.58; 29 CFR 1613; 41 CFR 101-19.600 to 101-19.607

Legal Deadline: None.

Abstract: The proposed regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Railroad Retirement Board.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Michael C. Litt, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220-AA22

3295. TRANSFER OR ASSIGNMENT OF PAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 243; 20 CFR 295; 20 CFR 262.5; 20 CFR 350

Legal Deadline: None.

Abstract: Currently, regulations concerning this subject matter appear in several parts of the Board's regulations. The new Part 243 will bring together or cross-reference the several related regulatory sections.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Government Levels Affected: State, Federal

Agency Contact: Michael C. Litt, General Attorney, Railroad Retirement Board, Bureau of Law, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220-AA43

3296. ERRONEOUS PAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None.

Abstract: Part 255 is being revised to clarify when and how erroneous payments under the Railroad Retirement Act must be recovered.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Agency Contact: Stanley Jay Shuman, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4568

RIN: 3220-AA44

3297. SICKNESS BENEFITS AND MATERNITY BENEFITS

Legal Authority: 45 USC 362; 45 USC 355

CFR Citation: 20 CFR 335

Legal Deadline: None.

Abstract: Part 335 will be amended to delete obsolete provisions and to simplify and clarify the language of that part.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Agency Contact: Walter Witkovich, Regulations and Legal Specialist, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4750

RIN: 3220-AA45

3293. DEBT COLLECTION

Legal Authority: 31 USC 3711; 31 USC 3717

CFR Citation: 4 CFR 102.13; 20 CFR 200

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 200 to provide for assessment of interest, penalties, and collection costs, as authorized by the Debt Collection Act

of 1982, in connection with the collection of certain debts arising from erroneous benefit payments under the several Acts administered by the Board. Section 11 of the Debt Collection Act of 1982 (Pub. L. 97-365) amended section 3(e) of the Federal Claims Collection Act of 1966 to provide that the head of an agency shall charge interest on claims owed the agency, assess penalties on delinquent debts, and assess charges to cover the costs of processing delinquent claims. Section 11 imposes a mandatory requirement that interest, penalties, and charges be assessed except as specifically provided in that section.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 27997
NPRM Comment Period End	09/25/87	52 FR 27997
Final Action	11/00/87	

Small Entity: Not Applicable

Agency Contact: Stanley Jay Shuman, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4568

RIN: 3220-AA47

3299. RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY EMPLOYEES

Legal Authority: 5 USC 5514(b)(1)

CFR Citation: 20 CFR 361

Legal Deadline: None.

Abstract: The Railroad Retirement Board is proposing regulations to provide for the administration of its authority under the Debt Collection Act of 1982, 5 USC 5514, to recover debts owed to the United States by installment collections from the current pay account of Federal employees.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA49

3300. ● EMPLOYER STATUS

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 202

Legal Deadline: None.

Abstract: The Board's regulations with respect to Employer Status have not been updated in recent years and may, in some respects, be obsolete. Part 202 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Affected Sectors: 40 Railroad Transportation

Government Levels Affected: State, Federal

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA51

3301. ● EMPLOYER STATUS

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None.

Abstract: The Board's regulations with respect to Employee Status have not been updated in recent years and may, in some respects, be obsolete. Part 203 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Affected Sectors: 40 Railroad Transportation

Government Levels Affected: State, Federal

Agency Contact: Edward S. Hintzke, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4944

RIN: 3220-AA52

3302. ● EMPLOYMENT RELATION

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 204

Legal Deadline: None.

Abstract: The Board's regulations with respect to Employment Relation have not been updated in recent years and may, in some respects, be obsolete. Part 204 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Affected Sectors: 40 Railroad Transportation

Government Levels Affected: State, Federal

Agency Contact: Edward S. Hintzke, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4937

RIN: 3220-AA53

3303. ● EMPLOYEE REPRESENTATIVE

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 205

Legal Deadline: None.

Abstract: The Board's regulations with respect to Employee Representative have not been updated in recent years and may, in some respects, be obsolete. Part 205 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Affected Sectors: 40 Railroad Transportation

Government Levels Affected: State, Federal

Agency Contact: Edward S. Hintzke, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4937

RIN: 3220-AA55

RAILROAD RETIREMENT BOARD (RRB)

Final Rule Stage

3304. PRIMARY INSURANCE AMOUNT DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 225

Legal Deadline: None.

Abstract: The computation of benefits under the Railroad Retirement Act of 1974 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable:

Action	Date	FR Cite
NPRM	09/07/83	48 FR 40390
Final Action	03/00/88	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4711**

RIN: 3220-AA02

3305. RAILROAD EMPLOYERS REPORTS AND RESPONSIBILITIES

Legal Authority: 45 USC 231f(b)(5) to 231f(b)(6); 45 USC 231h; 45 USC 231l

CFR Citation: 20 CFR 209

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 209 to comply with changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2553
NPRM Comment Period End	02/23/87	52 FR 2553
Final Action	12/00/87	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Ann T. Alden, Chief of Coverage and Procedures, Railroad Retirement Board, Compensation and Certification, 844 Rush Street, Chicago, IL 60611, **312 751-3369**

RIN: 3220-AA25

3306. CREDITABLE RAILROAD SERVICE

Legal Authority: 45 USC 231(d) to 231(f); 45 USC 231(i); 45 USC 231f(b)(5)

CFR Citation: 20 CFR 210

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 210 to comply with changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2553
NPRM Comment Period End	02/23/87	52 FR 2553
Final Action	12/00/87	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Ann T. Alden, Chief of Coverage and Procedures, Railroad Retirement Board, Compensation and Certification, 844 Rush Street, Chicago, IL 60611, **312 751-3369**

RIN: 3220-AA26

3307. CREDITABLE RAILROAD COMPENSATION

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 211

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 211 to comply with the changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2553
NPRM Comment Period End	02/23/87	52 FR 2553
Final Action	12/00/87	

Small Entity: Not Applicable

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Ann T. Alden, Chief of Coverage and Procedures, Railroad Retirement Board, Compensation and Certification, 844 Rush Street, Chicago, IL 60611, **312 751-3369**

RIN: 3220-AA27

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

3308. COMPUTING THE EMPLOYEE AND SPOUSE ANNUITY

CFR Citation: 20 CFR 226

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/14/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow **312 751-4935**

RIN: 3220-AA03

3309. JURISDICTION DETERMINATIONS

CFR Citation: 20 CFR 221

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow **312 751-4935**

RIN: 3220-AA28

RRB

Completed Actions

3310. FAMILY RELATIONSHIP

CFR Citation: 20 CFR 222

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA29

3311. SURVIVOR ANNUITY COMPUTATIONS

CFR Citation: 20 CFR 228

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA30

3312. SOCIAL SECURITY OVERALL MINIMUM ANNUITY

CFR Citation: 20 CFR 229

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA31

3313. DEDUCTIONS FOR WORK

CFR Citation: 20 CFR 230

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA32

3314. FEDERAL HEALTH INSURANCE BENEFITS FOR THE AGED AND DISABLED

CFR Citation: 20 CFR 270

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA33

3315. ELIGIBILITY FOR FEDERAL HEALTH INSURANCE BENEFITS

CFR Citation: 20 CFR 271

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA34

3316. PREMIUM COLLECTION FOR FEDERAL HEALTH INSURANCE SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

CFR Citation: 20 CFR 272

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA35

3317. FEDERAL HEALTH INSURANCE BENEFITS COVERAGE OUTSIDE THE UNITED STATES

CFR Citation: 20 CFR 273

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Roger L. Flood 312 751-4935

RIN: 3220-AA36

3318. WITHHOLDING PAYMENT

CFR Citation: 20 CFR 241

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA41

3319. WAIVER OF ANNUITY

CFR Citation: 20 CFR 242; 20 CFR 262

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA42

3320. ADMINISTRATION OF ESTATES

CFR Citation: 20 CFR 236

Completed:

Reason	Date	FR Cite
Withdrawn because no activity planned in the next 12 months.	08/17/87	

Small Entity: Not Applicable

Agency Contact: Karl T. Blank 312 751-4941

RIN: 3220-AA48

[FR Doc. 87-21916 Filed 10-23-87; 8:45 am]

BILLING CODE 7905-01-T

federal register

Monday
October 26, 1987

Part XXXVIII

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

Dated: August 24, 1987.

Jerry D. Jennings,

Acting Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Prerule Stage

3321. SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None.

Abstract: Various sections of 32 CFR Chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240-AA01

[FR Doc. 87-21260 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XXXIX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 17th semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., Pub. L. 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, 202/653-6644.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemakings, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the six-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: September 4, 1987.

James Abdnor,

Administrator.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3322	Size Standards; Certain Retail and Service Industries	3245-AB03
3323	Definition of Small Business for Dredging	3245-AB23
3324	Size Standards: Timber Industry	3245-AB34
3325	Size Standards: Manufacturing	3245-AB43

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3326	Certificate of Competency	3245-AA74
3327	Size Standards, Export Trading Companies	3245-AA83
3328	Regulations Applying Small Business Size Standards	3245-AA84
3329	Size Standards: Construction	3245-AA95
3330	Small Business Investment Company Regulations: Compliance Audits	3245-AB07
3331	Loans to State and Local Development Companies	3245-AB10
3332	Size Rule for Small Business Innovation Research Program Time of Size Determination	3245-AB15
3333	Procurement Assistance: User Fees for PASS	3245-AB20
3334	Minority Small Business	3245-AB26
3335	Small Business Investment Companies	3245-AB29
3336	Small Business Lending Companies	3245-AB30
3337	Minority Small Business and Capital Ownership Development Assistance	3245-AB31
3338	Small Business Institutes - Counseling Fees	3245-AB32
3339	Loans to State and Local Development Companies	3245-AB33
3340	Loans to State and Local Development Companies	3245-AB35
3341	Nondiscrimination in Federally-Assisted Programs	3245-AB36
3342	Nondiscrimination in Financial Assistance Programs	3245-AB37
3343	Small Business Size Standards; Public Notice to Solicit Comments on Impact of Public Law 99-591 and 99-661	3245-AB38
3344	User Fees for SBA Programs	3245-AB44

SBA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3345	Surety Bond Guarantee Regulations	3245-AA20
3346	Civil Rights Compliance: Discrimination on the Basis of Handicap	3245-AA21
3347	Size Standards; Travel Agencies	3245-AA58
3348	Size Standard: Real Estate Agents	3245-AA88
3349	Small Business Size Standards: Commercial Fishing	3245-AB00
3350	Small Business Investment Companies	3245-AB12
3351	Small Business Development Centers	3245-AB17
3352	Small Business Size Standards; Modification of Size Standards to Make Existing Size Standards Compatible with New Standard Industrial Classification System (SIC)	3245-AB19
3353	Freedom of Information Act Fee and Fee Waivers Regulations	3245-AB25
3354	Program Fraud Civil Remedies Regulations	3245-AB27
3355	Business Loans; Small Business Lending Companies	3245-AB40
3356	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; Proposed Revision of Circular A-102	3245-AB41

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3357	Delegation of Authority to Conduct Program Activities in Field Offices; Surety Guarantee	3245-AB39
3358	Disaster Home Loans; Debt Collection	3245-AB42

SMALL BUSINESS ADMINISTRATION (SBA) — Prerule Stage

3322. SIZE STANDARDS; CERTAIN RETAIL AND SERVICE INDUSTRIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: To review and revise, as necessary, the small business size standards for certain retail and service industries.

Timetable:

Action	Date	FR Cite
Begin Review	10/15/86	
End Review	10/00/87	

Small Entity: Yes

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245-AB03

3323. DEFINITION OF SMALL BUSINESS FOR DREDGING

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: Judicial, November 3, 1986. This change is in response to an order from the District Court for the District of Columbia which set aside the current dredging size standard ($13.5 million) but left in place the previous size standard ($9.5 million).

Abstract: To clarify for the public and others who use SBA size standards that as of November 3, 1986, the applicable size standard for the dredging industry will be $9.5 million average annual receipts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/86	51 FR 44036
Begin Review	10/00/87	
End Review	04/00/88	

Small Entity: Yes

Agency Contact: Harvey D. Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245-AB23

3324. ● SIZE STANDARDS: TIMBER INDUSTRY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Study related to natural resources sales program to determine whether rule change is needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	04/00/88	

Small Entity: Yes

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street,

SBA

Prerule Stage

N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245-AB34

3325. ● SIZE STANDARDS: MANUFACTURING

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: To review and revise, as necessary, the small business size standards for certain manufacturing industries.

Timetable:

Action	Date	FR Cite
Begin Review	10/15/86	
End Review	10/00/87	

Small Entity: Yes

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245-AB43

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

3326. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None.

Abstract: Overall revision to Certificate of Competency regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: Robert Moffitt, Deputy Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, 202 653-6582

RIN: 3245-AA74

3327. SIZE STANDARDS, EXPORT TRADING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Propose size standard for Export Trading Companies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: Harvey Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA83

3328. REGULATIONS APPLYING SMALL BUSINESS SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	52 FR 32870
NPRM Comment Period End	10/30/87	
Final Action	06/00/88	

Small Entity: Yes

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Room 706, Washington, DC 20416, 202 653-6660

RIN: 3245-AA84

3329. SIZE STANDARDS: CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Establishing an updated size standard for the construction industry.

Timetable:

Action	Date	FR Cite
Begin Review	10/15/86	
NPRM	10/00/87	
End Review	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: Yes

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245-AA95

3330. SMALL BUSINESS INVESTMENT COMPANY REGULATIONS: COMPLIANCE AUDITS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Legal Deadline: None.

Abstract: Establishment of new system of periodic compliance audits of small business investment companies by independent certified public accountants.

Timetable:

Action	Date	FR Cite
NPRM	08/00/88	
NPRM Comment Period End	09/00/88	

Small Entity: No

Agency Contact: Daniel Peyser, Counsel to the Inspector General, Small Business Administration, 1441 L Street, NW, Room 1018, Washington, DC 20416, 202 653-6370

RIN: 3245-AB07

3331. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Significance: Agency Priority

Legal Authority: PL 99-272, Sec 18008

CFR Citation: 13 CFR 108

Legal Deadline: None.

Abstract: Rules for conducting a two year pilot program through which debentures guaranteed under section

503 of the Small Business Investment Act and interests in pools of debentures issued under section 504 of that Act are sold to investors through public sale or private placement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/86	51 FR 20781
Public comment period ends	08/05/86	
Interim Final Rule	07/23/87	52 FR 27672
NPRM Comment Period End	09/27/87	
Final Action	01/00/88	

Small Entity: Yes

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 720, Washington, DC 20416, 202 653-6986

RIN: 3245-AB10

3332. SIZE RULE FOR SMALL BUSINESS INNOVATION RESEARCH PROGRAM TIME OF SIZE DETERMINATION

Legal Authority: 15 USC 632; 15 USC 638

CFR Citation: 13 CFR 121.7

Legal Deadline: None.

Abstract: Establishing the time a firm's size will be determined at the time of award of the funding agreement.

Timetable:

Action	Date	FR Cite
NPRM	08/10/87	52 FR 29532
NPRM Comment Period End	09/09/87	
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Richard Shane, Associate Administrator for Innovation, Research and Technology, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-7875

RIN: 3245-AB15

3333. PROCUREMENT ASSISTANCE: USER FEES FOR PASS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None.

Abstract: Increase user fee for PASS system to recoup costs of program.

Timetable:

Action	Date	FR Cite
NPRM	08/25/87	52 FR 32017
NPRM Comment Period End	09/24/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Monika Harrison, Associate Administrator for Procurement, Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, D.C. 20416, 202 653-6635

RIN: 3245-AB20

3334. MINORITY SMALL BUSINESS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 124

Legal Deadline: None.

Abstract: Regulations governing the participation of Indian tribes in the Section 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	04/00/88	

Small Entity: Yes

Agency Contact: Wilfredo Gonzalez, Associate Administrator/Minority Small, Business/Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, D.C. 20416, 202 653-6407

RIN: 3245-AB26

3335. ● SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 107

Legal Deadline: None.

Abstract: Major revision to Part 107 of title 13 governing Small Business Investment Companies. The regulation will cover changes to ownership or control of a licensee, definition of private capital, deposits and investments of idle funds, other permissible financing, leverage for Section 301(d) SBICs, definition of small business concerns, control of small concern, operational requirements, cost of money, funds to licensee, conflicts of interest redemption provisions, commitments, and the purchase, sale or guarantee of securities evidencing leverage.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: John Werner, Director, Office of Investment, Small Business Administration, 1441 L Street,N.W., Room 808, Washington, DC 20416, 202 653-6584

RIN: 3245-AB29

3336. ● SMALL BUSINESS LENDING COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120.302

Legal Deadline: None.

Abstract: Cancellation of participation authority of Small Business Lending Companies that have not been active for five years or more.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: Danny J. Gibb, Director, Office of Financial Institutions, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-2585

RIN: 3245-AB30

3337. ● MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT ASSISTANCE

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 124

Legal Deadline: None.

Abstract: Technical corrections to the regulation governing minority small business and capital ownership development. Substantive changes to provisions on program eligibility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

SBA

Proposed Rule Stage

Agency Contact: Edward Neal, Deputy Associate Administrator/MSB-COD, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, D.C. 20416, **202 653-6407**

RIN: 3245-AB31

3338. ● SMALL BUSINESS INSTITUTES - COUNSELING FEES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 129

Legal Deadline: None.

Abstract: User fees for training conducted by SBA cosponsors under Section 8(b)(1) of the Small Business Act for training (management and/or technical), and for training and counseling provided by Small Business Institutes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: John Cox, Associate Administrator for Business, Development, Small Business Administration, 1441 L Street, N.W., Room 317, Washington, D.C. 20416, **202 653-6881**

RIN: 3245-AB32

3339. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None.

Abstract: Institution of a 2 percent guarantee fee for debentures sold by development companies through the 504 program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Room 720, Washington, D.C. 20416, **202 653-6986**

RIN: 3245-AB33

3340. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None.

Abstract: Complete revision of the Section 502 local development company rules.

Timetable:

Action	Date	FR Cite
NPRM	08/00/88	

Small Entity: Yes

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Room 720, Washington, D.C. 20416, **202 653-6986**

RIN: 3245-AB35

3341. ● NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 112

Legal Deadline: None.

Abstract: Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Yes

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, **202 653-6050**

RIN: 3245-AB36

3342. ● NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 113

Legal Deadline: None.

Abstract: Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Yes

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, **202 653-6050**

RIN: 3245-AB37

3343. ● SMALL BUSINESS SIZE STANDARDS; PUBLIC NOTICE TO SOLICIT COMMENTS ON IMPACT OF PUBLIC LAW 99-591 AND 99-661

Legal Authority: PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: Statutory, April 30, 1987. The Small Business Administration is required to complete a review of certain industry size standards during April 1987.

Abstract: Will address the size standards in the following industry groups: construction, architecture and engineering services (including surveying and mapping), shipbuilding and ship repair, and refuse systems and related services. It will also examine possible industry subdivisions and limitations on subcontracting.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/87	52 FR 08261
ANPRM Comment Period End	04/16/87	52 FR 08261
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: Gene VanArsdale, Director, Office of Procurement Policy and Liaison, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, D.C. 20416, **202 653-6588**

RIN: 3245-AB38

3344. ● USER FEES FOR SBA PROGRAMS

Legal Authority: 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a; 15 USC 694b; 5 USC App 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113

SBA **Proposed Rule Stage**

CFR Citation: 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129

Legal Deadline: None.

Abstract: Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database, guaranty of debentures issued by Small Business Investment Companies, guaranty of surety bonds, appeals of size determinations and and standard industrial classification code designations, application to the Minority Small Business (Section 8(a)) Program, training sponsored by the Service Corps of Retired Executives (SCORE), SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs, counseling by Small Business Institutes and application for a Certificate of Competency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: Yes

Agency Contact: Ramona Powell, Attorney Adviser, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6437

RIN: 3245-AB44

SMALL BUSINESS ADMINISTRATION (SBA) — Final Rule Stage

3345. SURETY BOND GUARANTEE REGULATIONS

Legal Authority: 15 USC 634(b)(6); 15 USC 694b(d)

CFR Citation: 13 CFR 115

Legal Deadline: None.

Abstract: Revision of the existing regulations for SBA's Surety Bond Guarantee Program. These changes will allow SBA to vary the percentage of its guarantee depending upon SBA's experience with the surety company requesting the guarantee. It also makes the fee which SBA charges for its guarantee negotiable.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/83	48 FR 37658
ANPRM Comment Period End	10/19/83	
NPRM	08/21/85	50 FR 33766
NPRM Comment Period End	10/21/85	
Final Action Effective	11/00/87	

Small Entity: Yes

Agency Contact: Howard F. Huegel, Director, Office of Special Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Arlington, VA 22203, 703 235-2900

RIN: 3245-AA20

3346. CIVIL RIGHTS COMPLIANCE: DISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 42 USC 2000d-1

CFR Citation: 13 CFR 136

Legal Deadline: None.

Abstract: Prohibition of discrimination in SBA programs on the basis of handicap.

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27164
NPRM Comment Period End	10/30/84	
Final Action	12/00/87	

Small Entity: No

Agency Contact: George H. Robinson, Director, Small Business Administration, Office of EEO&C, 1441 L Street, NW, Washington, DC 20416, 202 653-6050

RIN: 3245-AA21

3347. SIZE STANDARDS; TRAVEL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Review of Size Standards necessitated by GSA awards of travel contracts resulted in decision to modify proposed standard.

Timetable:

Action	Date	FR Cite
NPRM	07/30/86	51 FR 27192
NPRM Comment Period End	09/29/86	
Final Action Effective	10/00/87	

Small Entity: Yes

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245-AA58

3348. SIZE STANDARD: REAL ESTATE AGENTS

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Establishing a size standard for the real estate agents industry for the first time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27418
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Harvey Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245-AA88

3349. SMALL BUSINESS SIZE STANDARDS: COMMERCIAL FISHING

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None.

SBA

Final Rule Stage

Abstract: Size standard for commercial fishing firms.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/85	50 FR 15411
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245-AB00

3350. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 320

CFR Citation: 13 CFR 107

Legal Deadline: Statutory, June 7, 1986

Abstract: Establishment of mechanism for selling to the public certificates of interest backed by pools of SBIC guaranteed debentures and of a system of registration of such sales.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/86	51 FR 21484
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Room 808, Washington, DC 20416, 202 653-6848

RIN: 3245-AB12

3351. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302; PL 98-395

CFR Citation: 13 CFR 129

Legal Deadline: None.

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

Action	Date	FR Cite
NPRM	10/23/86	51 FR 37580
Comment period extended to 1/21/87	11/24/86	51 FR 42255
NPRM Comment Period End	12/22/86	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Janice Wolf, Deputy Associate Administrator for Business Development, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6768

RIN: 3245-AB17

3352. SMALL BUSINESS SIZE STANDARDS; MODIFICATION OF SIZE STANDARDS TO MAKE EXISTING SIZE STANDARDS COMPATIBLE WITH NEW STANDARD INDUSTRIAL CLASSIFICATION SYSTEM (SIC)

Significance: Regulatory Program

Legal Authority: 15 USC 637(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None. This deadline was created by OMB's publication of comprehensive changes to the Standard Industrial Classification Code System, effective 1/1/87.

Abstract: The SBA is modifying its size standards to conform with the newly revised SIC system which has been revised by the Office of Management and Budget effective January 1, 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/06/87	52 FR 397
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Harvey D. Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245-AB19

3353. FREEDOM OF INFORMATION ACT FEE AND FEE WAIVERS REGULATIONS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 102.6

Legal Deadline: Statutory, April 26, 1987.

Abstract: Amendments to Fee and Fee Waiver provisions to conform to the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	05/18/87	52 FR 18570
NPRM Comment Period End	06/17/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Nicholas Kalcounos, Director, Freedom of Information/Privacy Acts, Small Business Administration, 2100 K Street, N.W., Room 300, Washington, D.C. 20416, 202 653-6460

RIN: 3245-AB25

3354. PROGRAM FRAUD CIVIL REMEDIES REGULATIONS

Legal Authority: PL 99-501, Sec 6103

CFR Citation: 13 CFR 141

Legal Deadline: Statutory, April 21, 1987.

Abstract: Regulations implementing the Program Fraud Civil Remedies

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19156
NPRM Comment Period End	06/22/87	52 FR 19156
Final Action	11/00/87	

Small Entity: No

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, D.C. 20416, 202 653-6573

RIN: 3245-AB27

3355. ● BUSINESS LOANS; SMALL BUSINESS LENDING COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: None.

Abstract: This proposed rule change would treat a Small Business Lending Company (SBLC) as other lenders which participate with the Small Business Administration in making SBA guaranteed loans. It would also clarify that an SBLC could participate in the secondary market and could assemble pools comprised of SBA guaranteed

SBA — Final Rule Stage

portions of loans made by others as well as pools of loans it has generated.

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19155
NPRM Comment Period End	06/22/87	52 FR 19155
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Danny Gibb, Director, Office of Financial Institutions, Small Business Administration, 1441 L Street, N.W., Room 800, Washington, D.C. 20416, **202 653-2585**

RIN: 3245-AB40

3356. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS; PROPOSED REVISION OF CIRCULAR A-102

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None.

Abstract: The regulation establishes a uniform administrative rule for the Small Business Administration's cooperative agreements and State grants.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21824
NPRM Comment Period End	08/10/87	52 FR 21820
Final Action	03/00/88	

Small Entity: Yes

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, D.C. 20416, **202 653-6573**

RIN: 3245-AB41

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

3357. ● DELEGATION OF AUTHORITY TO CONDUCT PROGRAM ACTIVITIES IN FIELD OFFICES; SURETY GUARANTEE

Legal Authority: PL 85-536; PL 85-699; PL 99-386

CFR Citation: 13 CFR 101

Legal Deadline: None

Abstract: This regulation increases the delegated authority of specified officers in SBA field offices by increasing the dollar amount of contracts these officers can guarantee.

Timetable:

Action	Date	FR Cite
Final Action	05/15/87	52 FR 18352
Final Action Effective	05/15/87	52 FR 18352

Small Entity: Yes

Agency Contact: Howard Huegel, Director, Office of Surety Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Arlington, Virginia 22203, **703 235-2900**

RIN: 3245-AB39

3358. ● DISASTER HOME LOANS; DEBT COLLECTION

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 144

Legal Deadline: None.

Abstract: This regulation addresses a one-time program to permit the prepayment at a discount of certain outstanding disaster home loans. The regulation would also provide for a methodology for computing the discounted value of the loan to be paid.

Timetable:

Action	Date	FR Cite
NPRM	07/10/87	52 FR 26019
NPRM Comment Period End	08/10/87	52 FR 26019
Final Action	08/20/87	52 FR 32156

Small Entity: Yes

Agency Contact: James Hammersley, Financial Analyst, Small Business Administration, Small Business Administration, 1441 L Street, N.W., Room 800, Washington, D.C. 20416, **202 653-5954**

RIN: 3245-AB42

[FR Doc. 87-21548 Filed 10-23-87; 8:45 am]

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Monday
October 26, 1987

Part XL

Tennessee Valley Authority

Semiannual Regulatory Agenda

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations. However, TVA has one regulation under development and has published final rules with regard to three other regulations. TVA has also published a notice of intent with regard to a fifth regulation. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the persons listed.

W. F. Willis,

General Manager.

TENNESSEE VALLEY AUTHORITY (TVA) — Proposed Rule Stage

3359. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Legal Deadline: None.

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Maxwell D. Ramsey, Program Manager, Cultural Resources, Tennessee Valley Authority, 238 Natural Resources Building, Norris, TN 37828, **615 632-1585**

RIN: 3316-AA02

3360. ALTERNATIVE PROGRAM FOR SHARING PATENT-RELATED INCOME

Legal Authority: 15 USC 3710, amended by PL 99-502

CFR Citation: 18 CFR Not yet determined

Legal Deadline: Statutory, October 1988.

Abstract: Pursuant to new section 14 of the Stevenson-Wydler Act, TVA has elected to promulgate regulations providing for an alternative program for sharing royalties and other patent-related income with its employee-inventors.

Timetable:

Action	Date	FR Cite
ANPRM	01/14/87	52 FR 1469
NPRM	00/00/00	

Small Entity: No

Agency Contact: George F. Dilworth, Jr., Manager of Technology Utilization, Tennessee Valley Authority, 400 West Summit Hill Drive, W12 D134 C-K, Knoxville, TN 37902, **615 632-2871**

RIN: 3316-AA05

TENNESSEE VALLEY AUTHORITY (TVA) — Completed Actions

3361. PRIVACY ACT OF 1974; EXEMPT SYSTEM OF RECORDS

Significance: Agency Priority

Legal Authority: 5 USC 552a

CFR Citation: 18 CFR 1301.24(d), (New)

Legal Deadline: None.

Abstract: The regulation exempts a new system of records maintained by the Tennessee Valley Authority's Office of the Inspector General (OIG) for investigations and entitled "OIG Investigative Records - TVA" from subsections (c)(3), (d), (e) (1), (e)(4)(G), (H), and (I) and (f) of 5 USC 552a (section 3 of the Privacy Act). This exemption is required because application of those subsections could alert investigation subjects to the existence or scope of investigations, disclose investigative techniques or procedures, reduce the cooperativeness of witnesses, or otherwise impair investigations.

Timetable:

Action	Date	FR Cite
NPRM	12/05/86	51 FR 43934
Final Action	03/11/87	52 FR 7407

Small Entity: No

Agency Contact: Sue E. Wallace, Assistant to the Director of Personnel, Tennessee Valley Authority, 423 Gay Street, 305 MIB-K, Knoxville, TN 37902, **615 632-2170**

RIN: 3316-AA06

3362. FREEDOM OF INFORMATION ACT; SCHEDULE OF FEES

Significance: Agency Priority

Legal Authority: 5 USC 552

CFR Citation: 18 CFR 1301.2

Legal Deadline: Statutory, April 25, 1987.

Abstract: The regulation implements section 1804(b)(1) of the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10772
Final Action	05/13/87	52 FR 17938
Final Action Effective	06/12/87	

Small Entity: No

Agency Contact: Craven Crowell, Manager, Office of Governmental and Public Affairs, Tennessee Valley Authority, 400 West Summit Hill Drive, E12 A4 C-K, Knoxville, TN 37902, **615** 632-6315

RIN: 3316-AA07

3363. ● ADMINISTRATIVE COST RECOVERY

Legal Authority: 16 USC 831 to 831dd; 31 USC 9701

CFR Citation: 18 CFR 1310.2(c); 18 CFR 1310.3(d); 18 CFR 1310.3(e)

Legal Deadline: None.

Abstract: Hunters at the Tennessee Valley Authority's (TVA) Land Between The Lakes (LBL) must hold a State hunting permit for the State in which they are hunting (Kentucky or Tennessee), and a hunter use permit from TVA for which TVA charges a fee. Because of the large number of people desiring to hunt deer at LBL, TVA must limit participation by random selection of applicants for special quota deer hunt permits as part of an intensive managed hunting program. In order to participate in quota deer hunts, hunters must complete an application form which must be received by TVA by established deadlines well in advance of the fall deer hunt. A drawing is conducted by computer and a quota hunt permit or rejection notice is mailed to the applicant. The $2 application fee for LBL quota deer hunt permits will recover administrative costs associated with processing the forms, conducting the drawing, and notifying applicants of rejection or selection.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19734
Final Action	07/08/87	52 FR 25592

Small Entity: No

Agency Contact: Billy J. Bond, Manager of Natural Resources and Economic Development, Tennessee Valley Authority, 1E61 Old City Hall Building, Knoxville, TN 37902, **615 632-6367**

RIN: 3316-AA08

[FR Doc. 87-21549 Filed 10-23-87; 8:45 am]

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Federal Register

Monday
October 26, 1987

Part XLI

Veterans Administration

Semiannual Regulatory Agenda

VETERANS ADMINISTRATION (VA)

VETERANS ADMINISTRATION

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under review, development, or revision during the 12-month period from October 1987 to October 1988. The purpose in publishing this Agency's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Paperwork Management and Regulations Service (731), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: M'Liz McLendon (202) 233-2308.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of Executive Order 12291; however, all of this Agency's proposed rules and current rules under review, except those considered to be internal agency policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive Order.

This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

This agenda has been prepared in accordance with OMB Bulletin 87-16.

Dated: August 25, 1987.
By direction of the Administrator.
David A. Cox,
Associate Deputy Administrator for Management.

Proposed Rule Stage

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3366	Confidential Quality Assurance Program Records and Documents	2900-AC27
3367	Veterans Administration Health Professional Scholarship Program	2900-AC66
3368	Contract Medical Care	2900-AC69
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3371	Temporary Program of Vocational Training for Certain New Pension Recipients	2900-AB53
3372	Reservists Education; New Education Program for Members of the Selected Reserve	2900-AB69
3373	1. Veterans Services Officer to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Veterans Administration Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
3374	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
3375	Investments by Legal Custodians	2900-AB77
3376	1. Veterans Services Officer's Action When Veteran's Estate Equals or Exceeds $1,500 2. Determination of Value of Estate; 38 USC 3203(b)(1)	2900-AB78
3377	Eligibility for Employment Services, Employment Handicap, Employment Assistance, Overview of Employment Services	2900-AB89
3378	Interest and Penalties on Untimely Submission of Funding Fees by Lenders	2900-AC03
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3384	Veterans Education; Federal Equal Opportunity Laws	2900-AC52
3385	Procedural Due Process	2900-AC54
3386	Systemic Diseases, et al	2900-AC57
3387	Evaluations for Diplopia (Double Vision)	2900-AC58
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3390	Training Outside of State Under 38 CFR 21.130	2900-AC73
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3392	Vocational Rehabilitation Panel	2900-AC75
3393	Veterans Education; Amendments Needed to Implement Pub. L. 99-576	2900-AC76
3394	Veterans Education; Amendments to VEAP Required by Pub. L. 99-576	2900-AC81
3395	Extension of the Independent Living Services Program	2900-AC82
3396	Suspension of Individual Employees of Manufactured Home Dealers	2900-AC83
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VA

Proposed Rule Stage—Continued

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3401	Veterans Education; Revision of Delimiting Dates	2900-AD02
3402	Veterans Education; Effect of Internal VA Reorganization	2900-AD04
3403	Appeals Regulations and Rules of Practice- Status of Legal Interns, Law Students and Paralegals	2900-AC11
3404	Appeals Regulations and Rules of Practice - Hearing Date	2900-AC88
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3408	Effect of General Counsel Opinions	2900-AB22
3409	Nonprocurement Debarment and Suspension	2900-AD06
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Final Rule Stage

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3419	Acquisition of Property	2900-AB34
3420	Veterans Education; New Education Program for Veterans	2900-AB70
3421	Definition of Fraud	2900-AC01
3422	1. Apportionment of Benefits to Dependents 2. Payment of Cost of Veteran's Maintenance in Institution 3. Recommendation for Payment	2900-AC10
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3424	Use of Credit Reports for Refinancing and Rescheduling of VA-Guaranteed Loans and Claim Submissions	2900-AC19
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3426	Veterans Education; Disenrollment from VEAP and Other Technical Amendments	2900-AC49
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3430	Veterans Education; Transfer of Entitlement Under 38 USC Ch. 107	2900-AC78
3431	Certification of Continued Eligibility	2900-AC79
3432	Veterans Education; Nonpunitive Grades	2900-AC80
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3434	Dependents' Education; Affect of the 85-15% Ratio Requirement	2900-AD03
3435	Evaluation of Hearing Loss	2900-AD10
3436	Standards for Claims Collection; Committee on Waivers and Compromises	2900-AC96
3437	Enforcement of Nondiscrimination on the Basis of Handicap in VA Programs	2900-AA87
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3439	Standards Implementing the Program Fraud Civil Remedies Act	2900-AC92
3440	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	2900-AC97
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3442	Veterans Administration Acquisition Regulation - Small Business Concerns	2900-AC36
3443	Veterans Administration Acquisition Regulation - Acquisition Planning	2900-AC37
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VA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3446	Telecaption Television Decoders	2900-AB56
3447	Nursing Home Care in the Philippines	2900-AB57
3448	Adult Day Health Care	2900-AB99
3449	State Home Facilities	2900-AC25
3450	Veterans Education; Certifications of Enrollment	2900-AA58
3451	Veterans Education; Foreign Medical Schools	2900-AB09
3452	Reduction or Termination Dates of Subsistence Allowance	2900-AC40
3453	National Service Life Insurance - Policy Loans	2900-AC44
3454	Loan Guaranty: Increase in Value of Security Which Can Be Released Without Prior Approval	2900-AC50
3455	Veterans Education; Approval of Programs Leading to High School Diplomas	2900-AC51
3456	Removal of Monetary Rates	2900-AC53
3457	Medical Reports as Informal Claims/Recoupment of Separation Pay	2900-AC55
3458	Evidence other than Evidence of Service-Acceptability of Photocopies	2900-AC56
3459	Appeals Regulations and Rules of Practice--Reassignment of Board Members	2900-AC95
3460	Inventions by Employees of Veterans Administration as Coinventors under Funding Agreements	2900-AB47
3461	Release of Records and Other Information Customarily Furnished the Public	2900-AC64
3462	Veterans Administration Acquisition Regulation - Competition in Contracting	2900-AC12
3463	Veterans Administration Acquisition Regulation - Contract Modifications	2900-AC39
3464	Veterans Administration Acquisition Regulations - Buy American Act - Supplies	2900-AC91
3465	VA Contracting Officer Certification Program	2900-AC93
3466	Veterans Administration Acquisition Regulation - Contracting with SBA	2900-AC98

VETERANS ADMINISTRATION (VA) — Proposed Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3364. COMMUNITY RESIDENTIAL CARE

Legal Authority: 38 USC 630

CFR Citation: 38 CFR 17.51h to 17.51q

Legal Deadline: None.

Abstract: These regulations will clarify the legal status of the Community Residential Care program, setting standards and criteria for health and safety, facility resources, guidelines for costs of care, conditions under which the agency may cease referrals to non-complying facilities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	12/00/88	

Small Entity: No

Agency Contact: James R. Kelly, Chief, Community Care Programs, Veterans Administration, Department of Medicine & Surgery (181), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3692

RIN: 2900-AB32

3365. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210c

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None.

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a VA facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any VA facility or any hospital, while being furnished care or treatment therein by the VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900-AB61

3366. CONFIDENTIAL QUALITY ASSURANCE PROGRAM RECORDS AND DOCUMENTS

Legal Authority: 38 USC 3305; 38 USC 4151; 38 USC 4152

CFR Citation: 38 CFR 17.500 to 17.522

Legal Deadline: None.

Abstract: Final regulations implementing 38 USC 3305 were made effective Oct. 22, 1982. Those regulations govern the VA's QA (quality assurance) program activities and records and documents which are

made confidential and privileged. Sec. 3305 prohibits the VA from designating any QA program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. PL 99-166 amends 38 USC 4151 and 4152 to require that QA program activities include an evaluation of the quality of surgical care in DM&S, as evidenced by outcome measures of mortality and morbidity; a report to Congress indicating deficiencies in the quality of care is required. 38 USC 3305 was amended to clarify that aggregate statistical data is not to be made confidential provided individuals are not identified. The definitions and descriptions of the QA program are outdated; unreflective of a systems' approach, and too restrictive to accommodate periodic policy developments or redirections within DM&S. No alternatives are being considered. There are no potential costs to the action. The benefits would be in the form of programmatic improvements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert Lubran, Health System Specialist, Department of Medicine and Surgery (10Q), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2600

RIN: 2900-AC27

3367. VETERANS ADMINISTRATION HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Legal Authority: 38 USC 4141 to 4146

CFR Citation: 38 CFR 17.600

Legal Deadline: None.

Abstract: Current regulations set forth requirements for awarding scholarships to students receiving academic training in the disciplines of medicine, osteopathy, and nursing, and if needed by the VA, students in other specified health care disciplines. Regulations are being amended to include requirements for awarding scholarships to students in disciplines currently specified as well as to students in all title 38 health care disciplines. Proposed regulations also revise the method for determining length of service obligation for part-time student participants.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Gertrude Keough, Director, Health Professional Scholarship Program, Veterans Administration, Department of Medicine & Surgery (14N), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-5071

RIN: 2900-AC66

3368. CONTRACT MEDICAL CARE

Legal Authority: PL 99-576

CFR Citation: 38 CFR 17.50b; 38 CFR 17.87

Legal Deadline: None.

Abstract: The VA and the Department of Health and Human Services will be proposing to amend applicable regulations to permit the VA to pay for authorized or private hospital care in amounts based on the rates allowed by Medicare under the prospective payment system. This step will help ensure that payments made by the VA are consistent with those made by the largest Federal health care program for similar services in the community.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Karen Walters, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue NW, Washington, DC 20420, 202 233-2143

RIN: 2900-AC69

3369. ● AUTOMOBILE ALLOWANCE AND ADAPTIVE EQUIPMENT ELIGIBILITY; DEVICES TO OVERCOME THE HANDICAP OF DEAFNESS

Legal Authority: 38 USC 1901; 38 USC 1902; 38 USC 617(b)

CFR Citation: 38 CFR 3.807; 38 CFR 3.808; 38 CFR 17.115d

Legal Deadline: None.

Abstract: This proposal would amend the VA adjudication and medical regulations concerning the automobile allowance and adaptive equipment eligibility for certain severely disabled individuals. These amendments are necessary to implement provisions of law and to properly divide regulatory responsibility for these programs consistent with agency organizational and functional alignments. The effect of these amendments will be to extend automobile adaptive equipment eligibility for certain severely disabled persons, more clearly define program responsibility, and more accurately describe prerequisites for obtaining devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders).

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Frederick Downs (121) (for Part 17), Robert M. White (211B) (for Part 3), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2011

RIN: 2900-AD08

DEPARTMENT OF VETERANS BENEFITS

3370. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None.

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of VA benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue,

NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AB50

3371. TEMPORARY PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN NEW PENSION RECIPIENTS

Significance: Regulatory Program

Legal Authority: PL 98-543, Sec 301

CFR Citation: 38 CFR 21.6001 to 21.6420, (New)

Legal Deadline: None.

Abstract: The pilot program is directed to evaluating the effectiveness of vocational training and related services in restoring veterans to gainful employment and realizing cost benefits. During the period February 1, 1985, through January 31, 1989, veterans awarded pension may be eligible for up to 24 months or more of vocational training to prepare for and enter employment. Under this program every veteran under age 50 who begins to receive a pension award on or after February 1, 1985, will participate in a vocational evaluation to be arranged by the VA. Veterans who are age 50 and older and are awarded pension after February 1, 1985, may apply for an evaluation of their ability to profit from vocational training. Vocational training for up to 24 months or more and up to 18 months of employment services will be provided for program participants. A veteran will continue to receive pension during the period of training and employment services. Pension will be reduced or terminated following adjustment in employment when work income exceeds the annual income limitation applicable to pension.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30178
NPRM Comment Period End	09/10/87	52 FR 30178
Final Action	02/00/88	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AB53

3372. RESERVISTS EDUCATION; NEW EDUCATION PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

Legal Authority: 10 USC 2131 et seq

CFR Citation: 38 CFR 21

Legal Deadline: None.

Abstract: A new education program for members of the Selected Reserve has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AB69

3373. 1. VETERANS SERVICES OFFICER TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE VETERANS ADMINISTRATION BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None.

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900-AB75

3374. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None.

Abstract: 38 CFR 13.57 specifies types of VA benefits that may be paid to spouse payee. The intended change broadens the class of payments to include VA insurance.

38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900-AB76

3375. INVESTMENTS BY LEGAL CUSTODIANS

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.103

Legal Deadline: None.

Abstract: The regulation gives Federally appointed legal custodian fiduciaries authority to invest surplus VA funds in savings bonds, or interest or dividend-paying accounts in State or Federally insured institutions. The intended regulation will give authority for investments in pre-need burial plans.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33248
NPRM Comment Period End	10/05/87	
Final Action	01/31/88	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900-AB77

3376. 1. VETERANS SERVICES OFFICER'S ACTION WHEN VETERAN'S ESTATE EQUALS OR EXCEEDS $1,500 2. DETERMINATION OF VALUE OF ESTATE; 38 USC 3203(B)(1)

Legal Authority: 38 USC 3203(b)(1); PL 98-543, Sec 402

CFR Citation: 38 CFR 13.108; 38 CFR 13.109

Legal Deadline: None.

Abstract: 38 CFR 13.108 defines the VSO's action and responsibility when a veteran is subject to discontinuance of payments under 38 USC 3203(b)(1). The intended change simplifies the title, updates the language of subsection (a) and further defines the VSO responsibilities regarding waiver of discontinuance under PL 98-543.

38 CFR 13.109 defines estate for purposes of the $1,500 limitation. The intended change further defines assets and incorporates two new exclusions on the basis of PL 98-543 and an unpublished General Counsel's opinion.

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33248
NPRM Comment Period End	10/05/87	
Final Action	01/31/88	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AB78

3377. ELIGIBILITY FOR EMPLOYMENT SERVICES, EMPLOYMENT HANDICAP, EMPLOYMENT ASSISTANCE, OVERVIEW OF EMPLOYMENT SERVICES

Legal Authority: 38 USC 1501; 38 USC 1502; 38 USC 1505(b); 38 USC 1516; 38 USC 1517

CFR Citation: 38 CFR 21.47; 38 CFR 21.51; 38 CFR 21.73; 38 CFR 21.250

Legal Deadline: None.

Abstract: The VA has determined that employment assistance may be provided a veteran eligible for chapter 31, if the veteran though trained and qualified for suitable employment, has an employment handicap that prevents him or her from obtaining such employment, even if he or she is not a prior participant in a vocational rehabilitation program. It has previously been held that eligibility for employment services was limited to veterans who were current or prior participants under chapter 31.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AB89

3378. INTEREST AND PENALTIES ON UNTIMELY SUBMISSION OF FUNDING FEES BY LENDERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36.4254; 38 CFR 36.4312

Legal Deadline: None.

Abstract: Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982 (38 U.S.C. 1829) establishes that a funding fee will be collected on VA loans but the law does not establish any time limits within which it must be paid to the VA. Current VA Loan Guaranty procedures allow lenders up to 60 days from the loan closing date to remit loan funding fees and this delay in their collection and deposit has resulted in a significant amount of potential interest lost to the Federal government. The proposed regulation would require lenders to submit the fees to the VA within a 15 day period from the loan closing date and would implement penalty charges and interest assessments on delinquent submissions. Adoption of this regulation should improve collection timeliness and result in the collection of the interest income that is currently being lost as well as income from interest and penalty charges.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Department of Veterans Benefits (264), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC03

3379. INCREASED COVERAGE FOR SERVICEMEN'S AND VETERAN'S GROUP LIFE INSURANCE

Legal Authority: 38 USC 767; 38 USC 777; PL 99-166, Sec 401

CFR Citation: 38 CFR 9.1 to 9.8, (Revision); 38 CFR 9.16, (Revision); 38 CFR 9.22 (Revision); 38 CFR 9.27, (Revision); 38 CFR 9.36, (Revision)

Legal Deadline: None.

Abstract: Section 401 of PL 99-166 increases the maximum amount of coverage available under the Servicemen's and Veteran's Group Life Insurance programs to $50,000. It also extends eligibility for Veteran's Group Life Insurance to members of the Individual Ready Reserves and Inactive National Guard. Regulations are being amended to reflect these changes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Department of Veterans Benefits (29), Veterans Administration, Veterans Administration Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900-AC06

3380. COMPUTATION OF ENTITLEMENT UNDER CHAPTER 31

Legal Authority: 38 USC 1505

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None.

Abstract: To establish a specific method for determining entitlement changes under chapter 31. In view of the number of education and training programs now authorized under title 38, a specific statement of chapter 31 policy for determining entitlement changes is needed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC08

3381. NONDUPLICATION - FEDERAL PROGRAMS

Legal Authority: 38 USC 1508(f)

CFR Citation: 38 CFR 21.22; 38 CFR 21.264

Legal Deadline: None.

Abstract: A veteran eligible for assistance under the vocational rehabilitation program (chapter 31, title 38 USC) and under the all volunteer force educational assistance program (chapter 30, title 38 USC) may elect to pursue a program of education under chapter 30 as a part of a vocational rehabilitation program under chapter 31. A veteran making such an election would only receive benefits otherwise payable under chapter 30.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC41

3382. VETERANS EDUCATION; DEFICIENCY COURSE MEASUREMENT

Legal Authority: 38 USC 1661; 38 USC 1677(b); 38 USC 1691

CFR Citation: 38 CFR 21.1045

Legal Deadline: None.

Abstract: Current regulations do not state how to charge entitlement when a veteran or eligible person is pursuing some courses for which entitlement is charged concurrently with refresher, remedial or deficiency courses for which no charge is made against entitlement. This has led to confusion as to how entitlement should be charged in such situations. This proposal will eliminate this confusion.

This proposed regulation was originally published on September 5, 1986 (51 FR 31782). Due to the substantive comments received, the VA has decided that it will address these comments in a new proposed regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/05/86	51 FR 31782
NPRM Comment Period End	10/06/86	51 FR 31782
NPRM	10/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC42

3383. PROVIDING AN INITIAL EVALUATION FOR A VETERAN NOT RESIDING IN A STATE

Legal Authority: 38 USC 111; 38 USC 1506

CFR Citation: 38 CFR 21.100; 38 CFR 21.376

Legal Deadline: None.

Abstract: An initial evaluation is provided each veteran requesting assistance under the vocational rehabilitation program. The purpose of the initial evaluation is to determine eligibility and entitlement to vocational rehabilitation and plan a program of vocational rehabilitation for eligible veterans. The initial evaluation is provided by VA counseling psychologists in the United States. Since interpersonal discussion is the essence of counseling, providing an initial evaluation to a veteran residing overseas by a VA counselor located in this country poses logistical and other problems. We are proposing that current regulations be amended to allow for greater flexibility in providing initial evaluations to veterans not residing in a state, including those veterans residing overseas. The alternatives to the present system include, but are not limited to contracting with qualified counseling staff located in the area in which the veteran resides, to conduct a part of the evaluation. All decisions as to eligibility for services would continue to be made by VA staff.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC46

3384. VETERANS EDUCATION; FEDERAL EQUAL OPPORTUNITY LAWS

Legal Authority: 42 USC 2000d; 20 USC 1681; 29 USC 794; 42 USC 6101

CFR Citation: 38 CFR 21.4300; 38 CFR 21.4301; 38 CFR 21.4302; 38 CFR 21.4304; 38 CFR 21.4305; 38 CFR 21.4306; 38 CFR 21.4307; 38 CFR 21.4135

Legal Deadline: None.

Abstract: The VA is proposing to rescind several regulations. These regulations concern the implementation of Title VI, Civil Rights Act of 1964 in the education programs which the VA administers. The regulations either conflict with or repeat unnecessarily other regulations which deal with the implementation of that Act. Rescinding these regulations will eliminate any confusion in the public's perception of the way the VA is implementing this Act.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC52

3385. PROCEDURAL DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.103; 38 CFR 3.105; 38 CFR 3.109; 38 CFR 3.110; 38 CFR 3.114

Legal Deadline: None.

Abstract: These changes expand the procedural due process provided to beneficiaries, especially when benefits are proposed to be reduced or terminated. There is also a clarification of the effective date rule applicable to liberalizing laws or administrative issues.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC54

3386. SYSTEMIC DISEASES, ET AL

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.16; 38 CFR 4.29; 38 CFR 4.30; 38 CFR 4.88a

Legal Deadline: None.

Abstract: These changes clarify temporary total disability awards based on hospitalization, unemployability ratings in psychiatric cases, and provide new schedules for rating numerous systemic diseases including acquired immune deficiency syndrome (AIDS).

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC57

3387. EVALUATIONS FOR DIPLOPIA (DOUBLE VISION)

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.77; 38 CFR 4.88a

Legal Deadline: None.

Abstract: The present rating schedule for double vision is based on use of the Motor Field Chart which is an outdated testing method. This change provides a method for evaluating double vision based on the current testing method using the Goldmann Perimeter.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32318
NPRM Comment Period End	09/28/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC58

3388. EXTENSION OF TIME LIMIT FOR CLAIMS

Legal Authority: 38 USC 3013

CFR Citation: 38 CFR 21.32

Legal Deadline: None.

Abstract: Current provisions for filing claims or evidence in support of claims preclude the extension of the period for filing even if the agency fails to inform the veteran of limitations on the period. It has been held that this policy is in violation of due process. We are proposing to amend the regulations to allow for extension of the time period for filing a claim or filing supporting evidence of a claim when the agency fails to inform the veteran of such limitations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC61

3389. COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 1515

CFR Citation: 38 CFR 21.324

Legal Deadline: None.

Abstract: Compliance with civil rights provisions require that payment of benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in non-compliance with applicable provisions of Part 18, Nondiscrimination in Federally Assisted Programs of the Veterans Administration. We propose to amend 38 CFR 21.324 to reflect this new requirement. This proposed regulatory amendment includes the provisions of RIN 2900-AC40, which was withdrawn from the Agenda.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: 2900-AC40, Reduction or Termination Dates of Subsistence Allowance, has been merged with this RIN.

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-5449

RIN: 2900-AC72

3390. TRAINING OUTSIDE OF STATE UNDER 38 CFR 21.130

Legal Authority: 38 USC 1514

CFR Citation: 38 CFR 21.130

Legal Deadline: None.

Abstract: The provision of training outside a state is subject to certain limitations not applicable to training pursued within the United States. The VA is proposing to amend these provisions in the case of veterans who wish to become employed outside the United States. The purpose of the change is to help assure that vocational rehabilitation services lead to suitable employment given the special problems inherent in providing vocational rehabilitation programs outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC73

3391. ELECTION OF BENEFITS

Legal Authority: PL 99-576; 38 USC 1781

CFR Citation: 38 CFR 21.21

Legal Deadline: None.

Abstract: Public Law 99-576 bars provision of benefits under the vocational rehabilitation program and another education program administered by the VA. This change is effective October 28, 1986. Prior policy allowed a veteran to receive benefits under two programs under certain conditions. This section is revised to reflect both changes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/87	52 FR 31416
NPRM Comment Period End	09/21/87	52 FR 31416
Final Action	12/00/87	

Small Entity: No

Additional Information: This proposed regulation now reflects RIN 2900-AC16 which has been withdrawn.

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC74

3392. VOCATIONAL REHABILITATION PANEL

Legal Authority: 38 USC 1504(a)

CFR Citation: 38 CFR 21.62; 38 CFR 21.53; 38 CFR 21.198

Legal Deadline: None.

Abstract: The VA reviews all cases in which findings of infeasibility for vocational rehabilitation or termination of rehabilitation programs is being considered for seriously disabled veterans. These reviews are currently conducted by the Vocational Rehabilitation Panel, a multidisciplinary advisory group. The Panel forwards its recommendations to the counseling psychologist who may accept or reject these recommendations. The VA proposes to reassign this review responsibility to the Vocational Rehabilitation and Counseling Officer, the counseling psychologist's immediate supervisor. Program experience indicates that this change will improve program administration and maintain quality of service for seriously disabled veterans.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC75

3393. VETERANS EDUCATION; AMENDMENTS NEEDED TO IMPLEMENT PUB. L. 99-576

Legal Authority: PL 99-576

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.3046; 38 CFR 21.4022; 38 CFR 21.4100; 38 CFR 21.4101; 38 CFR 21.4102; 38 CFR 21.4104; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4138; 38 CFR 21.4230; 38 CFR 21.4231; 38 CFR 21.4232; 38 CFR 21.4233; ...

Legal Deadline: None.

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect the administration of Dependents' Educational Assistance and benefits provided under the Vietnam Era GI Bill. The most important provisions include a change to the way in which the VA must measure certain courses which do not lead to a standard college degree; a change in the way the eligibility period is determined for some spouses eligible to receive Dependents' Educational Assistance; and a change to the provision governing receipt of benefits under the Vietnam Era GI Bill and other education programs administered by the VA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC76

3394. VETERANS EDUCATION; AMENDMENTS TO VEAP REQUIRED BY PUB. L. 99-576

Legal Authority: PL 99-576

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5030; 38 CFR 21.5041; 38 CFR 21.5052; 38 CFR 21.5064; 38 CFR 21.5100; 38 CFR 21.5131; 38 CFR 21.5138; 38 CFR 21.5022; 38 CFR 21.5040; 38 CFR 21.5042; 38 CFR 21.5054; 38 CFR 21.5072; 38 CFR 21.5132; 38 CFR 21.5145

Legal Deadline: None.

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect VEAP (Post-Vietnam Era Veterans' Educational Assistant Program). The most important changes include provision of apprenticeship and other on-job training in this program; extension of the veteran's period of eligibility if he or she is disabled during the eligibility period; and closing of VEAP to new enrollments. This proposal will implement the law.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Yes

Agency Contact: June Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC81

3395. EXTENSION OF THE INDEPENDENT LIVING SERVICES PROGRAM

Legal Authority: 38 USC 1520; PL 99-576

CFR Citation: 38 CFR 21.160; 38 CFR 21.162; 38 CFR 21.294

Legal Deadline: None.

Abstract: The program of independent living services has been extended through FY 89. The current rules governing this program are amended to incorporate the statutory extension of the program, and make other changes to simplify and improve program administration. These proposed changes reflect, in part, reductions in reporting requirements previously required under the law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC82

3396. SUSPENSION OF INDIVIDUAL EMPLOYEES OF MANUFACTURED HOME DEALERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4235

Legal Deadline: None.

Abstract: Present regulations authorize the Administrator to refuse to guarantee loans to purchase manufactured homes from dealers determined by the Administrator to have engaged in contracts of sale or methods or practices which are unfair or prejudicial to veteran purchasers. It is proposed to amend this regulation to also authorize suspension of individual employees of manufactured home dealers who engage in unfair or prejudicial practices.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC83

3397. LOANS TO PURCHASE MANUFACTURED HOMES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4222; 38 CFR 36.4232; 38 CFR 36.4283

Legal Deadline: None.

Abstract: A number of regulatory changes will be proposed for the VA manufactured home loan program. VA would conform to HUD's practices on certifications, invoicing and volume rebates. Lenders would be permitted to file claims upon receipt of VA's resale price and thereafter retain the profit or loss which results from subsequent sale of the home. Broader insurance coverage would be required to cover missing items at repossession. Actual freight costs would be allowed in the invoice, and the amounts and items which could be included in the loan would be revised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC85

3398. VA HOME LOAN CREDIT STANDARDS; NEW SAH GRANT

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g); PL 99-576

CFR Citation: 38 CFR 4200 et seq.; 38 CFR 4300 et seq.; 38 CFR 4400 et seq.

Legal Deadline: None.

Abstract: Regulations will be amended to implement the requirements of Public Law 99-576. The new law adds a new specially adapted housing grant purpose and requires that VA home loan credit standards be in regulatory form.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC90

3399. ● IMPROVEMENTS IN VETERANS' BENEFITS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.22; 38 CFR 3.23; 38 CFR 3.271; 38 CFR 3.272; 38 CFR 3.309; 38 CFR 3.342; 38 CFR 3.343; 38 CFR 3.383; 38 CFR 3.384; 38 CFR 3.501; 38 CFR 3.557; 38 CFR 3.800; 38 CFR 3.809a

Legal Deadline: None.

Abstract: These changes implement legislation that extended improved eligibility and entitlement criteria for certain veterans' benefits and define the term "hardship" for considering the exclusion of a child's income in pension cases.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37170
NPRM Comment Period End	11/04/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Department of Veterans Benefits (211B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC99

3400. ● ALLOWABLE FEES FOR TRUSTEE AND LEGAL SERVICES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4276(b); 38 CFR 36.4313(b)

Legal Deadline: None.

Abstract: Presently a maximum of $350 may be included for trustee's fees and legal services allowable on claims under guaranty on defaulted VA guaranteed loans. In some areas this fee structure is insufficient to allow loan holders to secure the services of experienced legal counsel necessary to complete foreclosure action in a timely manner. The proposed maximum would be increased from $350 to $700.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Department of Veterans Benefits (261), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3688

RIN: 2900-AD01

3401. ● VETERANS EDUCATION; REVISION OF DELIMITING DATES

Legal Authority: 38 USC 1662; 38 USC 3103

CFR Citation: 38 CFR 21.1042; 38 CFR 21.5041

Legal Deadline: None.

Abstract: The VA has determined that veterans who were affected by the liberalization of 38 CFR 3.12(d) have a delimiting period under ch. 32 or ch. 34 which begins on the date the VA makes an administrative decision finding that the veteran's discharge was not dishonorable. The appropriate regulations governing delimiting dates will be amended to reflect this opinion.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Department of Veterans Benefits (225), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AD02

3402. ● VETERANS EDUCATION; EFFECT OF INTERNAL VA REORGANIZATION

Legal Authority: 38 USC 212

CFR Citation: 38 CFR 2.76; 38 CFR 2.80; 38 CFR 2.81; 38 CFR 2.82; 38 CFR 2.98; 38 CFR 21.74; 38 CFR 21.98; 38 CFR 21.100; 38 CFR 21.162; 38 CFR 21.222; 38 CFR 21.254; 38 CFR 21.256; 38 CFR 21.258; 38 CFR 21.292; 38 CFR 21.382; ...

Legal Deadline: None.

Abstract: The Vocational Rehabilitation and Counseling Service and the Education Service within the Department of Veterans Benefits of the VA have been merged. Many regulations make specific reference to either the Director, Education Service or the Director, Vocational Rehabilitation and Counseling. The amended regulations will replace all references to the Director, Education Service, and the Director, Vocational Rehabilitation and Counseling Service, with reference to the Director, Vocational Rehabilitation and Education Service.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Department of Veterans Benefits (225), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AD04

BOARD OF VETERANS APPEALS

3403. APPEALS REGULATIONS AND RULES OF PRACTICE- STATUS OF LEGAL INTERNS, LAW STUDENTS AND PARALEGALS

Legal Authority: 38 USC 3401; 38 USC 3404; 38 USC 4005(b)(2)

CFR Citation: 38 CFR 19.152, (Revision)

Legal Deadline: None.

Abstract: The regulation will be amended to clarify the status of attorneys to be employed by service organizations and to allow legal interns, law students and paralegals to work with these attorneys who are presenting appeals in any capacity.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals (01C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900-AC11

3404. APPEALS REGULATIONS AND RULES OF PRACTICE - HEARING DATE

Legal Authority: 38 USC 4002; 38 USC 4005A

CFR Citation: 38 CFR 19.159, (Revision)

Legal Deadline: None.

Abstract: This regulation will be revised to provide an appellant or representative a 60-day period in which to reschedule a hearing date. The revision will remedy scheduling conflicts created by multiple requests for a change of hearing date from the same appellant and/or representative, without abridging the appellant's right to due process.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals (01C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900-AC88

BOARD OF CONTRACT APPEALS/CONTRACT APPEALS BOARD

3405. EQUAL ACCESS TO JUSTICE; PROCEDURAL RULES

Legal Authority: 5 USC 504 The Equal Access to Justice Act; PL 99-80

CFR Citation: 38 CFR 1.790

Legal Deadline: None.

Abstract: The Equal Access to Justice Act provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties

to appeals before the Board of Contract Appeals. An eligible party may receive an award when it prevails over the Government, unless the Government's position was substantially justified or special circumstances make an award unjust. This document describes the standards for eligibility and the procedures for application and processing by the Board.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Government Levels Affected: Federal

Agency Contact: Sally Pfund, Legal Assistant, Board of Contract Appeals (09), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 275-0430**

RIN: 2900-AC33

OFFICE OF EQUAL OPPORTUNITY

3406. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERAL ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250

CFR Citation: 38 CFR 18

Legal Deadline: None.

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from the VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

This originally appeared as a proposed rule in the Federal Register of April 25, 1979 (44 FR 24320). Because of the extended time frame due to internal agency consultation with the Department of Justice, the VA is planning to repropose these regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Genevieve W. Cornelius, Director, Affirmative Action Service, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3281**

RIN: 2900-AB51

3407. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.426, App A

Legal Deadline: None.

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by the VA. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	

Small Entity: No

Agency Contact: Genevieve W. Cornelius, Director, Affirmative Action Service, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3281**

RIN: 2900-AB87

OFFICE OF THE GENERAL COUNSEL

3408. EFFECT OF GENERAL COUNSEL OPINIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 4004(c)

CFR Citation: 38 CFR 14.507

Legal Deadline: None.

Abstract: Clarifies the effect of General Counsel opinions with respect to binding and precedential legal interpretations. No alternatives are being considered. The change will assist VA personnel in understanding the effect of General Counsel opinions. It will benefit the public by enhancing the accessibility of General Counsel opinions.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (022A), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2440**

RIN: 2900-AB22

OFFICE OF INTERGOVERNMENTAL AFFAIRS

3409. ● NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549; 38 USC 210

CFR Citation: 38 CFR 44.100 to 44.505

Legal Deadline: None.

Abstract: There has been a system in place for governmentwide debarment and suspension of contractors (procurement) that defraud the Federal government or otherwise fail to meet their contractual obligations. No similar system exists for grantees or other entities that participate in government programs. The VA is participating in a governmentwide implementation of EO 12549 by issuing regulations on Nonprocurement Debarment and Suspension, consistent with OMB

guidelines published on February 21, 1986 (51 FR 6372).

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	

Small Entity: Yes

Agency Contact: Gail A. Gompf, Director, Intergovernmental Affairs (00A1), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3116

RIN: 2900-AD06

3410. ● PARKING FEES AT VA MEDICAL FACILITIES

Legal Authority: 38 USC 5009; 38 USC 210; PL 99-576

CFR Citation: 38 CFR 1.300 to 1.303

Legal Deadline: None.

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Pub. L. 99-576, Sec. 223, Parking Facilities, amends 38 U.S.C. 5009, and provides for the establishment and collection of parking fees at certain VA medical facilities, with the deposit of fees collected into a Revolving Fund. The law provides that fees shall not be charged for the accommodation of any vehicle used to transport, to or from a medical facility a veteran or eligible person seeking examination or treatment, or, a volunteer worker in connection with such worker performing services for the benefit of veterans or eligible persons receiving care at a medical facility. The proposed regulation will provide definitions to be used in implementing the law, including a definition of the term "volunteer worker;" provide for the terms and conditions under which such parking will be provided; and establish a methodology for determining reasonable parking charges to be established by the Administrator at affected medical facilities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Donald E. Johnson, Chief, Real Property Program Management Division (084A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-5026

RIN: 2900-AD05

OFFICE OF FACILITIES

3411. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470ii Archaeological Resources Protection Act

CFR Citation: 38 CFR 27

Legal Deadline: None.

Abstract: The Act requires that Federal land managers promulgate rules and regulations consistent with Uniform Regulations as may be appropriate to carry out his/her function and authorities under the Act to protect archaeological resources on Federal lands. This rule making will enable the VA to protect archaeological resources on VA-managed public lands by issuing permits for authorized excavations and/or removal of archaeological resources, by imposing civil penalties for unauthorized excavation, removal, alteration, damage or defacement of archaeological resources, by providing for the preservation of archaeological collections and data, and by ensuring confidentiality of information about archaeological resources when disclosure would threaten the resources.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Affected Sectors: None

Agency Contact: Gjore J. Mollenhoff, Historic Preservation Officer, Office of Facilities (086B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3447

RIN: 2900-AC26

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

3412. FEES CHARGED WHEN RESPONDING TO REQUESTS FOR RECORDS

Legal Authority: 38 USC 3302; 5 USC 552(a)(4)(A); 5 USC 552a(f)(5)

CFR Citation: 38 CFR 1.526; 38 CFR 1.555; 38 CFR 1.577(f)

Legal Deadline: None.

Abstract: Revise VA fee schedules currently in effect for the Privacy Act, the Freedom of Information Act, and 38 U.S.C. 3301 to remove inconsistencies, to establish a comprehensive uniform fee schedule and to establish certain requirements for determining the fees that will be charged. The VA is adding to its FOIA fee regulations the six factors which the Department of Justice has recommended be considered in determining when fees should be waived or reduced under the new statutory standard. The regulations are being revised also to conform to VA policy that a VA beneficiary or applicant will be given one complete set of his/her own beneficiary records free.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	

Small Entity: No

Agency Contact: Donald R. Howell, Management Analyst, Veterans Administration, Office of Info. Mgmt. & Statistics (733), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3648

RIN: 2900-AB18

3413. ● EXEMPTIONS FROM PUBLIC ACCESS TO AGENCY RECORDS

Legal Authority: 5 USC 552(b)(7)

CFR Citation: 38 CFR 1.554(a)(7)

Legal Deadline: None.

Abstract: Revises the regulation that allows withholding of records under the Freedom of Information Act for law enforcement purposes. The revision is necessary to conform to the wording contained in the Freedom of Information Act statute.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	

Small Entity: No

Agency Contact: Donald R. Howell, Management Analyst, Office of Info. Mgmt. & Statistics (733), Veterans Administration, 810 Vermont Avenue,

VA — Proposed Rule Stage

NW., Washington, DC 20420, 202 233-3648

RIN: 2900-AC94

3414. ● DISCLOSURE OF CONFIDENTIAL COMMERCIAL INFORMATION

Legal Authority: 5 USC 552(b)(4), EO 12600

CFR Citation: 38 CFR 1.554

Legal Deadline: None.

Abstract: Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, establishes certain mandatory and uniform procedures for handling Freedom of Information Act (FOIA) requests for records which may contain confidential commercial information, protected by FOIA exemption (5 U.S.C. 552(b)(4)). The Executive Order requires the notification and designation procedures be established in agency regulations. Accordingly, the revision to 38 CFR 1.554 will comply with the requirements of the Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Donald R. Howell, Management Analyst, Office of Info. Mgmt. and Statistics (733), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3648

RIN: 2900-AD09

OFFICE OF PROCUREMENT AND SUPPLY

3415. VETERANS ADMINISTRATION ACQUISITION REGULATION - CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 836

Legal Deadline: None.

Abstract: This proposed Veterans Administration regulation will update and clarify construction contracting procedures and clauses.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Marsha J. Grogan, Supply Management Representative, Office of Procurement and Supply (91A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC87

VETERANS ADMINISTRATION (VA) — Final Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3416. USE OF COMMUNITY NURSING HOME FACILITIES

Legal Authority: 38 USC 620

CFR Citation: 38 CFR 17.51a

Legal Deadline: None.

Abstract: Existing regulations that permit an extension to an approved 6-month period of Community Nursing Home Care at VA expense are not definitive enough regarding the circumstances of an unusual nature which provide the impetus for granting such extensions. The proposed change will correct that deficiency.

Timetable:

Action	Date	FR Cite
NPRM	06/11/87	52 FR 22351
NPRM Comment Period End	07/10/87	52 FR 22351
Final Action	11/00/87	

Small Entity: No

Agency Contact: James R. Kelly, Patient Treatment Service, Department of Medicine and Surgery (181), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3692

RIN: 2900-AB21

3417. BEREAVEMENT COUNSELING

Legal Authority: 38 USC 601(6)

CFR Citation: 38 CFR 17.60f

Legal Deadline: None.

Abstract: This regulation will amend existing regulations at 38 CFR 17.60(f) in order to implement provisions of P.L. 99-576.

Timetable:

Action	Date	FR Cite
NPRM	07/06/87	52 FR 25254
NPRM Comment Period End	08/04/87	52 FR 25254
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Agency Contact: Karen Walters, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue NW, Washington, DC 20420, 202 233-2143

RIN: 2900-AC68

3418. ● TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

Legal Authority: 38 USC 111(e)(1)

CFR Citation: 38 CFR 17.100

Legal Deadline: None.

Abstract: This amendment would continue in place the application of a deductible to beneficiary travel payments, but would eliminate the requirement that to be eligible for travel payments, a veteran must reside more than 100 miles from a VA facility. After implementation of the amended regulations, the VA became aware of an inequitable situation in Hawaii and a few other locations in which veterans living less than 100 miles from a VA health care facility are unable to get to that facility without using costly public transportation. This amendment would permit veterans living less than 100 miles from a facility to be reimbursed, subject to the deductible, for the costs of expensive public transportation

which is necessary for them to get to a VA health care facility.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: Stuart E. Mount, Medical Administration Program Specialist, Department of Medicine and Surgery (136F), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900-AD07

DEPARTMENT OF VETERANS BENEFITS

3419. ACQUISITION OF PROPERTY

Legal Authority: 38 USC 210(c); 38 USC 1816(a); PL 98-369, Sec 2512

CFR Citation: 38 CFR 36.4320; 38 CFR 36.4319(f); 38 CFR 36.4321(a); 38 CFR 36.4300

Legal Deadline: None.

Abstract: There are currently no specific regulatory requirements as to when the VA may or may not accept conveyance of a property on which the VA-guaranteed loan securing it has been foreclosed. Pursuant to PL 98-369 the changed regulation will provide formulas and specifically define when the VA may acquire a property. The changed regulations will also clarify establishment of a cut off date for claim computation in cases in which liquidation of a loan is unduly delayed.

Timetable:

Action	Date	FR Cite
NPRM	06/02/87	52 FR 20617
NPRM Comment Period End	07/14/87	52 FR 20617
Final Action	12/00/87	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits (261), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3668**

RIN: 2900-AB34

3420. VETERANS EDUCATION; NEW EDUCATION PROGRAM FOR VETERANS

Legal Authority: 38 USC 1401 et seq

CFR Citation: 38 CFR 21

Legal Deadline: None.

Abstract: A new education program for veterans and service members has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	07/08/87	52 FR 25736
NPRM Comment Period End	08/04/87	52 FR 25736
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AB70

3421. DEFINITION OF FRAUD

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.1(aa), New; 38 CFR 3.901

Legal Deadline: None.

Abstract: The definition of fraud for veterans' benefits purposes is being placed in the general definitions section and is being amended to include acts of omission as well as acts of commission. This action will allow a finding of fraud in certain cases where a beneficiary receives or retains benefits based on a knowing failure to provide necessary information.

Timetable:

Action	Date	FR Cite
NPRM	11/18/86	51 FR 41644
NPRM Comment Period End	12/17/86	51 FR 41644
Final Action	12/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900-AC01

3422. 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION 3. RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None.

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC Sec. 3203(b) (1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State run nursing homes or other institutions operated by the United States or a political subdivision. The VA, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/05/87	52 FR 300
NPRM Comment Period End	02/05/87	52 FR 300
Final Action	12/00/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: William Saliski, Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2091**

RIN: 2900-AC10

VA

Final Rule Stage

3423. PAYMENTS TO DEPENDENTS OF VETERANS IN TRAINING

Legal Authority: 38 USC 1508

CFR Citation: 38 CFR 21.260; 38 CFR 21.322

Legal Deadline: None.

Abstract: The regulation is being revised to specify that payment for dependents may not be made earlier than the date of the dependent's existence in those cases in which dependency benefits are to be paid after the veteran enters or reenters the rehabilitation program. This represents a clarification of current policy, rather than a change in policy.

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19174
NPRM Comment Period End	06/22/87	52 FR 19174
Final Action	10/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2886**

RIN: 2900-AC18

3424. USE OF CREDIT REPORTS FOR REFINANCING AND RESCHEDULING OF VA-GUARANTEED LOANS AND CLAIM SUBMISSIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Legal Deadline: None.

Abstract: OMB Circular A-129 requires agencies managing Federal credit programs to obtain credit reports for all new applicants, when refinancing, and when loans are rescheduled in order to verify the information presented in the application. The circular further provides that rescheduling or reamortization shall be permitted only when it is in the best interest of the Government and where the agency has determined that recovery of all or a portion of the amount owed is reasonably assured. Credit reports must also be required in connection with claims on defaulted guaranteed loans to facilitate agency determinations of the next collection steps to be pursued. These revisions will enable VA to better determine whether a proposed loan reamortization is in the best interest of the government and will facilitate improvements in debt collection practices.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 19891
NPRM Comment Period End	06/26/87	52 FR 19891
Final Action	12/00/87	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3042**

RIN: 2900-AC19

3425. VETERANS MORTGAGE LIFE INSURANCE - MAXIMUM AMOUNT OF INSURANCE

Legal Authority: 38 USC 806

CFR Citation: 38 CFR 8a.2, (Revision); 38 CFR 8a.3, (Revision); 38 CFR 8a.4, (Revision)

Legal Deadline: None.

Abstract: These regulations are being revised to allow veterans insured under the Veterans' Mortgage Life Insurance program to again be eligible for full coverage up to the $40,000 statutory limit upon the sale of the insured's existing dwelling unit. Eligibility will not be reinstated where an existing dwelling unit is being remortgaged or refinanced.

Timetable:

Action	Date	FR Cite
NPRM	07/14/87	52 FR 26356
NPRM Comment Period End	08/13/87	52 FR 26356
Final Action	02/00/88	

Small Entity: No

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Veterans Administration, Department of Veterans Benefits (29), P.O. Box 8079, Philadelphia, PA 19101, **215 951-5360**

RIN: 2900-AC43

3426. VETERANS EDUCATION; DISENROLLMENT FROM VEAP AND OTHER TECHNICAL AMENDMENTS

Legal Authority: 38 USC 1621

CFR Citation: 38 CFR 21.5001; 38 CFR 21.5052; 38 CFR 21.5062; 38 CFR 21.5130; 38 CFR 21.5131

Legal Deadline: None.

Abstract: The VA wishes to permit a veteran who has received a refund of his or her VEAP contributions to retain his or her eligibility if the refund check is returned to the VA. The current regulations do not permit this.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	52 FR 18399
NPRM Comment Period End	06/15/87	52 FR 18399
Final Action	02/00/88	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AC49

3427. NOMENCLATURE AND DESCRIPTIVE TERMS FOR MENTAL DISORDERS

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.125; 38 CFR 4.126; 38 CFR 4.127; 38 CFR 4.128; 38 CFR 4.129; 38 CFR 4.130; 38 CFR 4.131; 38 CFR 4.132

Legal Deadline: None.

Abstract: These changes are designed to promote uniformity in the terminology used to describe various levels of disability for mental disorders and to conform the diagnostic nomenclature to that used in the last edition of the American Psychiatric Association's Diagnostic and Statistical Manual.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16350
NPRM Comment Period End	06/02/86	51 FR 16350
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

VA

Final Rule Stage

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900-AC60

3428. DECREASE TIME ALLOWED HOLDER TO START FORECLOSURE

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36.4319(f)

Legal Deadline: None.

Abstract: Upon written request from the Administrator, a holder of a loan in default must begin foreclosure action within two months and must prosecute such action with reasonable diligence. The regulation will be amended to require action within 30 days after written request from the Administrator.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	52 FR 18401
NPRM Comment Period End	06/15/87	52 FR 18401
Final Action	12/00/87	

Small Entity: No

Agency Contact: Raymond L. Brodie, Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits (261), 810 Vermont Avenue NW, Washington, DC 20420, **202 233-3668**

RIN: 2900-AC71

3429. VETERANS EDUCATION; ENTITLEMENT CHARGES FOR OVERPAYMENTS UNDER VEAP

Legal Authority: 38 USC 1631

CFR Citation: 38 CFR 21.5076

Legal Deadline: None.

Abstract: Interest, administrative costs of collection, court costs, and marshal fees are now being charged on overpayments of educational assistance allowance. At times a veteran will discharge such a debt in bankruptcy, or the debt will be waived or compromised. This proposal would amend the pertinent section of the Code of Federal Regulations to provide that when any of these actions occurs with regard to a debt incurred under VEAP (the Post-Vietnam Era Veterans Educational Assistance Program), an unrecovered portion of interest, administrative costs of collection, court costs marshal fees will not result in a charge against a veteran's entitlement to educational assistance allowance.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17990
NPRM Comment Period End	06/09/87	52 FR 17990
Final Action	02/00/88	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AC77

3430. VETERANS EDUCATION; TRANSFER OF ENTITLEMENT UNDER 38 USC CH. 107

Legal Authority: PL 99-145

CFR Citation: 38 CFR 21.5743

Legal Deadline: None.

Abstract: The Department of Defense Authorization Act, 1986 contains a provision which affects some people who are eligible to receive educational assistance and subsistence allowance under the Educational Assistance Test Program. This provision makes it easier for some members or veterans of the Navy or Marine Corps to transfer their educational entitlement to their dependents. This proposal will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	07/10/87	52 FR 26026
NPRM Comment Period End	08/10/87	52 FR 26026
Final Action	02/00/88	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AC78

3431. CERTIFICATION OF CONTINUED ELIGIBILITY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.500(v); 38 CFR 3.652; 38 CFR 3.158

Legal Deadline: None.

Abstract: This change provides the VA broader regulatory authority to require beneficiaries to certify, when requested, the continued existence of any or all eligibility factors which established entitlement to benefits being paid.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2559
NPRM Comment Period End	02/23/87	52 FR 2559
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900-AC79

3432. VETERANS EDUCATION; NONPUNITIVE GRADES

Legal Authority: 38 USC 1780

CFR Citation: 38 CFR 21.4135

Legal Deadline: None.

Abstract: A veteran's award of educational assistance allowance must be reduced when he or she withdraws from a course or when he or she received a nonpunitive grade for a course. Regulations exist for determining the effective date of the reduction. Some readers of the regulations have been uncertain as to which of the pertinent regulations apply when a veteran withdraws from a course and, as a result of that withdrawal, received a nonpunitive grade for it. This proposal will eliminate this problem.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	52 FR 18400
NPRM Comment Period End	06/15/87	52 FR 18400
Final Action	10/00/87	

Small Entity: No

Agency Contact: June Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225),

810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AC80

3433. ● HOMELESS CLAIMANTS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.159

Legal Deadline: None.

Abstract: These changes provide instructions for processing the claims of homeless individuals to ensure the delivery of benefits to such persons for whom no established mailing address is available.

Timetable:

Action	Date	FR Cite
NPRM	06/18/87	52 FR 23318
NPRM Comment Period End	07/20/87	52 FR 23318
Final Action	01/00/88	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Department of Veterans Benefits (211B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900-AD00

3434. ● DEPENDENTS' EDUCATION; AFFECT OF THE 85-15% RATIO REQUIREMENT

Legal Authority: 38 USC 1434

CFR Citation: 38 CFR 21.4201

Legal Deadline: None.

Abstract: The law and the Code of Federal Regulations prohibit the VA from approving new enrollments under many of the education programs which the VA administers when the VA or the educational institution pay to or for 85 percent or more of the students enrolled all or part of their tuition, fees, or other charges. The Code of Federal Regulations includes students receiving benefits under the Dependents' Educational Assistance Program as being subject to this restriction. A review of the Code of Federal Regulations revealed that this restriction is not required by law This proposal will lift the restriction.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21709
NPRM Comment Period End	07/10/87	52 FR 21709
Final Action	10/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Department of Veterans Benefits (225), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AD03

3435. ● EVALUATION OF HEARING LOSS

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.84b; 38 CFR 4.85; 38 CFR 4.86a; 38 CFR 4.87; 38 CFR 4.87a

Legal Deadline: None.

Abstract: These amendments are designed to make the method of evaluating hearing loss, for compensation purposes, compatible with new testing methods which give a more complete picture of disability attributable to hearing loss.

Timetable:

Action	Date	FR Cite
NPRM	05/11/87	52 FR 17607
NPRM Comment Period End	07/09/87	52 FR 17607
Final Action	11/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Department of Veterans Benefits (211B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900-AD10

OFFICE OF BUDGET AND FINANCE

3436. ● STANDARDS FOR CLAIMS COLLECTION; COMMITTEE ON WAIVERS AND COMPROMISES

Legal Authority: 31 USC 3701 to 3719; 5 USC 5584; 38 USC 3102

CFR Citation: 38 CFR 1.900 to 1.954; 38 CFR 1.957; 38 CFR 1.963a

Legal Deadline: None.

Abstract: A proposed revision to the VA regulations on claims collection and collection and compromise (sections 1.900-1.954 and 1.957) was prepared to comply with 31 USC 3701-3719 and 4 CFR Parts 101-105, which were amended as the result of the Debt Collection Act of 1982 (Pub. L. 97-365). A proposed revision to section 1.963a was also prepared to provide the VA with authority to consider waiver of erroneous payments of travel, transportation, and relocation expenses in accordance with the amended 5 USC 5584. These proposed regulations were published in the Federal Register on June 9, 1987, and no comments were received during the 30-day public comment period.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21700
NPRM Comment Period End	07/09/87	52 FR 21700
Final Action	11/00/87	

Small Entity: No

Agency Contact: Peter T. Mulhern, Special Assistant, Office of Budget and Finance (047F5), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3405**

RIN: 2900-AC96

OFFICE OF EQUAL OPPORTUNITY

3437. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN VA PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 15

Legal Deadline: None.

Abstract: Provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, as it applies to programs or activities conducted by the VA. Section 504 prohibits discrimination on the basis of handicap. There is no other alternative to the issuance of this regulation since it implements a legislative mandate. Qualified handicapped individuals will be assured of equal participation in programs or activities conducted by the VA.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25124
NPRM Comment Period End	08/31/87	52 FR 25124
Final Action	00/00/00	

Small Entity: No

Agency Contact: Genevieve W. Cornelius, Director, Affirmative Action Service, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3281**

RIN: 2900-AA87

OFFICE OF THE GENERAL COUNSEL

3438. RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS, AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3401 to 3404

CFR Citation: 38 CFR 14.627 to 14.637

Legal Deadline: None.

Abstract: This proposal includes definitions; requirements for recognition of organizations by the VA; requirements for recognition of representatives, agents, and attorneys; powers of attorney; use of paralegals, law clerks, and law students; and requirements for space and office facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8472
NPRM Comment Period End	04/17/87	52 FR 8472
Final Action	10/31/87	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (022A), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2440**

RIN: 2900-AC89

3439. STANDARDS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509 6101-6104, 100 Stat. 1874

CFR Citation: 38 CFR 42

Legal Deadline: Statutory, April 21, 1987.

Abstract: These regulations would implement the Program Fraud Civil Remedies Act, which the Veterans Administration must promulgate by April 21, 1987. The regulations would permit VA to bring administrative proceedings against persons who knowingly make, present, or submit a false claim or statement against the Agency under $150,000 in value. VA could, under the regulations, recover up to twice the amount of the false claim or statement plus impose a civil penalty or up to $5,000 for each separate false claim. The regulations would proscribe specific procedures when VA receives allegations of a false claim: an investigation by the VA Inspector General, a review of the investigation by the General Counsel or designee, referral to the Attorney General, and action by the reviewing official if approved by the Attorney General. The person found liable could request a hearing before an Administrative Law Judge with all the due process protections under the Administrative Procedure Act. The person could appeal to the VA Administrator and then to the U.S. District Court. All penalties or assessments could be set off against (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16409
NPRM Comment Period End	06/04/87	52 FR 16409
Final Action	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT: any amount due the person liable from the Government, except Federal tax refunds. All recoveries would be deposited in the U.S. Treasury.

Agency Contact: Audley Hendricks, Assistant General Counsel, Office of General Counsel (023), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3671**

RIN: 2900-AC92

OFFICE OF INTERGOVERNMENTAL AFFAIRS

3440. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: EO 11541; 38 USC 210

CFR Citation: 38 CFR 43.1 to 43.52

Legal Deadline: None.

Abstract: The effect upon the Veterans Administration will be felt in its State home construction grants and its State cemetery grants program. Specifically, the regulation will affect applicants for Federal assistance from the VA for construction of State extended care facilities and State cemeteries.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21834
NPRM Comment Period End	08/10/87	52 FR 21834
Final Action	03/11/88	

Small Entity: No

Agency Contact: Gail A. Gompf, Director, Intergovernmental Affairs (00A1), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3116**

RIN: 2900-AC97

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

3441. RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 3301(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None.

Abstract: The VA is amending the existing regulations concerning VA lists of names and addresses and is also proposing administrative procedures to use when these lists are used for purposes not authorized by law. This action results from the need to amend the regulations to reflect current procedures, organizational changes, and concern expressed by veterans and some service organizations regarding unsolicited mail. The proposed regulatory amendments will allow the VA to enforce its statutory duty to protect the privacy of information concerning veterans and their dependents, establish procedures to suspend recipients who misuse VA

name and address lists of veterans/ dependents, and give advance notice to recipients of what constitutes an authorized/unauthorized use of veterans/ dependents names and address lists, thereby protecting the due process rights of any recipient before penalties are enforced.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8624
NPRM Comment Period End	04/20/87	52 FR 8624
Final Action	12/00/87	

Small Entity: No

Agency Contact: LaVerne Butler, Management Analyst (723B), Veterans Administration, Office of Information Mgmt. & Statistics, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2545

RIN: 2900-AC63

OFFICE OF PROCUREMENT AND SUPPLY

3442. VETERANS ADMINISTRATION ACQUISITION REGULATION - SMALL BUSINESS CONCERNS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 819, (Revision)

Legal Deadline: None.

Abstract: This proposed VA Acquisition Regulation provides guidance to contracting offices so they can submit appeals when the Small Business Administration makes a decision to issue a Certificate of Competency (COC) to a small business. Also, the regulation is being revised to show the VA's intent to give the Vietnam era and disabled veteran-owned firms every opportunity to participate in the acquisition process.

Timetable:

Action	Date	FR Cite
NPRM	05/04/87	52 FR 16290
NPRM Comment Period End	06/03/87	52 FR 16290
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Chris Figg, Chief, Policy Division, Office of Procurement and Supply (91A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC36

3443. VETERANS ADMINISTRATION ACQUISITION REGULATION - ACQUISITION PLANNING

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 807, (Revision); 48 CFR 852, (Revision)

Legal Deadline: None.

Abstract: This proposed VA Acquisition Regulation provides coverage regarding contracting aspects of OMB Circular A-76 cost comparison.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Chris A. Figg, Chief, Policy Division, Veterans Administration, Office of Procurement & Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC37

3444. VETERANS ADMINISTRATION ACQUISITION REGULATION - SPECIFICATIONS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 810, (New); 48 CFR 836, (Revision)

Legal Deadline: None.

Abstract: This proposed VA Acquisition Regulation is a new part and provides guidance on the use of specifications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/87	52 FR 280
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Marsha J. Grogan, Supply Management Representative, Veterans Administration, Office of Procurement and Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3784

RIN: 2900-AC38

3445. VETERANS ADMINISTRATION ACQUISITION REGULATION - CONSULTING SERVICE

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 837

Legal Deadline: None.

Abstract: This Veterans Administration regulation provides coverage regarding contracting aspects of OMB Circular A-120 consulting services.

Timetable:

Action	Date	FR Cite
Final Action	11/00/87	

Small Entity: Not Applicable

Agency Contact: C. Ford Heard, Supply Management Representative, Veterans Administration, Office of Procurement & Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC86

VETERANS ADMINISTRATION (VA)

Completed Actions

3446. TELECAPTION TELEVISION DECODERS

CFR Citation: 38 CFR 17.115b; 38 CFR 17.115c

Completed:

Reason	Date	FR Cite
Withdrawn - combined with RIN 2900-AD08.	08/12/87	

Small Entity: No

Agency Contact: Donald N. Babb 202 233-2011

RIN: 2900-AB56

3447. NURSING HOME CARE IN THE PHILIPPINES

CFR Citation: 38 CFR 17.36 to 17.40

Completed:

Reason	Date	FR Cite
The VA withdraws this regulation from the Agenda	08/27/87	

Small Entity: No

Agency Contact: Stuart Mount 202 233-2504

RIN: 2900-AB57

3448. ADULT DAY HEALTH CARE

Significance: Agency Priority

CFR Citation: 38 CFR 17.51c to 17.51q

Completed:

Reason	Date	FR Cite
Final Action	04/23/87	52 FR 13440
Final Action Effective	04/23/87	52 FR 13440

Small Entity: No

Agency Contact: James R. Kelly 202 233-3692

RIN: 2900-AB99

3449. STATE HOME FACILITIES

CFR Citation: 38 CFR 17.170 to 17.177

Completed:

Reason	Date	FR Cite
Final Action	06/25/87	52 FR 23824

Small Entity: No

Agency Contact: F. Brent Baker 202 233-3854

RIN: 2900-AC25

3450. VETERANS EDUCATION; CERTIFICATIONS OF ENROLLMENT

CFR Citation: 38 CFR 21.4137; 38 CFR 21.4203; 38 CFR 21.4204

Completed:

Reason	Date	FR Cite
Withdrawn - enactment of legislation prohibited further action.	04/21/87	52 FR 13110

Small Entity: No

Agency Contact: June Schaeffer 202 233-2092

RIN: 2900-AA58

3451. VETERANS EDUCATION; FOREIGN MEDICAL SCHOOLS

CFR Citation: 38 CFR 21.4260

Completed:

Reason	Date	FR Cite
Final Action	04/22/87	52 FR 13238
Final Action Effective	03/31/87	52 FR 13238

Small Entity: No

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900-AB09

3452. REDUCTION OR TERMINATION DATES OF SUBSISTENCE ALLOWANCE

CFR Citation: 38 CFR 21.324

Completed:

Reason	Date	FR Cite
Withdrawn - combined with 2900-AC72.	07/31/87	

Small Entity: No

Agency Contact: Morris Triestman 202 233-2886

RIN: 2900-AC40

3453. NATIONAL SERVICE LIFE INSURANCE - POLICY LOANS

CFR Citation: 38 CFR 8.28, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	10/02/87	52 FR 36925
Final Action Effective	11/02/87	

Small Entity: No

Agency Contact: Paul F. Koons 215 951-5360

RIN: 2900-AC44

3454. LOAN GUARANTY: INCREASE IN VALUE OF SECURITY WHICH CAN BE RELEASED WITHOUT PRIOR APPROVAL

CFR Citation: 38 CFR 36.4324(a)

Completed:

Reason	Date	FR Cite
Final Action	07/14/87	52 FR 26342
Final Action Effective	08/13/87	52 FR 26342

Small Entity: No

Agency Contact: Raymond L. Brodie 202 233-3668

RIN: 2900-AC50

3455. VETERANS EDUCATION; APPROVAL OF PROGRAMS LEADING TO HIGH SCHOOL DIPLOMAS

CFR Citation: 38 CFR 21.4230

Completed:

Reason	Date	FR Cite
Final Action	05/13/87	52 FR 17951
Final Action Effective	04/20/87	52 FR 17951

Small Entity: No

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900-AC51

3456. REMOVAL OF MONETARY RATES

CFR Citation: 38 CFR 3.23; 38 CFR 3.24; 38 CFR 3.25; 38 CFR 3.26; 38 CFR 3.27; 38 CFR 3.28; 38 CFR 3.262; 38 CFR 3.802; 38 CFR 3.1600; 38 CFR 3.1601; 38 CFR 3.1604; 38 CFR 3.1612

Completed:

Reason	Date	FR Cite
Final Action	09/16/87	52 FR 34906
Final Action Effective	10/16/87	

Small Entity: No

Agency Contact: Robert M. White 202 233-3005

RIN: 2900-AC53

VA

Completed Actions

3457. MEDICAL REPORTS AS INFORMAL CLAIMS/RECOUPMENT OF SEPARATION PAY

CFR Citation: 38 CFR 3.157; 38 CFR 3.700

Completed:

Reason	Date	FR Cite
Final Action	07/21/87	52 FR 27339
Final Action Effective	08/20/87	52 FR 27339

Small Entity: No

Agency Contact: Robert M. White 202 233-3005

RIN: 2900-AC55

3458. EVIDENCE OTHER THAN EVIDENCE OF SERVICE-ACCEPTABILITY OF PHOTOCOPIES

CFR Citation: 38 CFR 3.202; 38 CFR 3.204

Completed:

Reason	Date	FR Cite
Final Action	05/22/87	52 FR 19347
Final Action Effective	06/22/87	52 FR 19347

Small Entity: No

Agency Contact: Robert M. White 202 233-3005

RIN: 2900-AC56

3459. ● APPEALS REGULATIONS AND RULES OF PRACTICE--REASSIGNMENT OF BOARD MEMBERS

Legal Authority: 38 USC 4002; 38 USC 210

CFR Citation: 38 CFR 19.110

Legal Deadline: None.

Abstract: The regulation is revised to permit the Chairman or Vice Chairman of the Board to reassign for good cause a participating Member of a Section of the Board prior to the promulgation of the decision. from the VA for construction of State extended care facilities and State cemeteries.

Timetable:

Action	Date	FR Cite
Withdrawn - VA decision not to proceed with regulation.	08/20/87	

Small Entity: No

Agency Contact: Jan Donsback, Special Legal Assistant, Board of Veterans Appeals (01C), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900-AC95

3460. INVENTIONS BY EMPLOYEES OF VETERANS ADMINISTRATION AS COINVENTORS UNDER FUNDING AGREEMENTS

CFR Citation: 38 CFR 1.635 to 1.643

Completed:

Reason	Date	FR Cite
Withdrawn due to enactment of the Pub. L. 99-502.	07/31/87	

Small Entity: No

Agency Contact: Diana M. Bloss 202 233-3651

RIN: 2900-AB47

3461. RELEASE OF RECORDS AND OTHER INFORMATION CUSTOMARILY FURNISHED THE PUBLIC

CFR Citation: 38 CFR 1.553

Completed:

Reason	Date	FR Cite
Combined with RIN 2900-AB18	10/08/87	

Small Entity: No

Agency Contact: Donald R. Howell 202 233-3648

RIN: 2900-AC64

3462. VETERANS ADMINISTRATION ACQUISITION REGULATION - COMPETITION IN CONTRACTING

CFR Citation: 48 CFR 802, (Revision); 48 CFR 805, (Revision); 48 CFR 806, (Revision); 48 CFR 813, (Revision); 48 CFR 814, (Revision); 48 CFR 815, (Revision); 48 CFR 833, (Revision); 48 CFR 852, (Revision); 48 CFR 819, (Revision); 48 CFR 836, (Revision); 48 CFR 842, (Revision); 48 CFR 801, (Revision); 48 CFR 808, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	07/31/87	52 FR 28558
Final Action Effective	07/31/87	52 FR 28558

Small Entity: Yes

Agency Contact: Chris A. Figg 202 233-2334

RIN: 2900-AC12

3463. VETERANS ADMINISTRATION ACQUISITION REGULATION - CONTRACT MODIFICATIONS

CFR Citation: 48 CFR 843, (Revision); 48 CFR 852, (Revision)

Completed:

Reason	Date	FR Cite
Withdrawn - Part 843 not codified; Part 852 incorporated into CICA regs.	07/31/87	

Small Entity: Yes

Agency Contact: Chris A. Figg 202 233-2334

RIN: 2900-AC39

3464. VETERANS ADMINISTRATION ACQUISITION REGULATIONS - BUY AMERICAN ACT - SUPPLIES

CFR Citation: 48 CFR 825, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	08/25/87	52 FR 32012
Final Action Effective	09/24/87	52 FR 32012

Small Entity: Yes

Agency Contact: Marsha J. Grogan 202 233-2334

RIN: 2900-AC91

3465. VA CONTRACTING OFFICER CERTIFICATION PROGRAM

CFR Citation: 48 CFR 801, (Revision); 48 CFR 802, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	06/26/87	52 FR 24010

Small Entity: Not Applicable

Agency Contact: C. Ford Heard 202 233-2334

RIN: 2900-AC93

3466. ● VETERANS ADMINISTRATION ACQUISITION REGULATION - CONTRACTING WITH SBA

Legal Authority: 38 USC 210; 40 USC 486(c)

VA

Completed Actions

CFR Citation: 48 CFR 819

Legal Deadline: Statutory, October 1, 1987.

Abstract: The VA will be issuing an interim final rule in order to implement requirements of Public Law 99-591 as it relates to the Small Business Act revision.

Timetable:

Action	Date	FR Cite
Final Action	10/06/87	52 FR 37316

Small Entity: No

Agency Contact: Chris A. Figg, Chief, Policy Division, Office of Procurement and Supply (91A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC98

[FR Doc. 87-21261 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XLII

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation;
Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. I

Semiannual Agenda

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in compliance with Executive Order 12291, Federal Regulation. This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions, however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DOD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FAC's). None of the regulations listed in this agenda are considered major under Executive Order 12291, Federal Regulation.

Dated: August 27, 1987.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3467	Amendment to Federal Acquisition Regulation (FAR Case 87-22)	9000-AB82
3468	Amendment to Federal Acquisition Regulation (FAR Case 87-24)	9000-AB83
3469	Amendment to Federal Acquisition Regulation (FAR Case 87-25)	9000-AB84

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3470	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-10(FAR Case 85-32)	9000-AA00
3471	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-9	9000-AA01
3472	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-11(FAR Case 85-38)	9000-AA02
3473	Amendment to Federal Acquisition Regulation (FAR Case 83-7)	9000-AA12
3474	Amendment to Federal Acquisition Regulation (FAR Case 84-53)	9000-AA24
3475	Amendment to Federal Acquisition Regulation (FAR Case 84-31)	9000-AA26
3476	Amendment to Federal Acquisition Regulation (FAR Case 84-45)	9000-AA29
3477	Amendment to Federal Acquisition Regulation (FAR Case 85-16)	9000-AA35
3478	Federal Acquisition Regulation (FAR) FAR Case 85-63	9000-AA49
3479	Federal Acquisition Regulation (FAR) - FAR Case 85-75	9000-AA61
3480	Federal Acquisition Regulation (FAR) - FAR Case 85-32	9000-AA68
3481	Federal Acquisition Regulation (FAR) - FAR Case 85-43	9000-AA69
3482	Federal Acquisition Regulation (FAR) - FAR Case 85-47	9000-AA73
3483	Amendment to Federal Acquisition Regulation (FAR Case 84-30)	9000-AA93
3484	Amendment to Federal Acquisition Regulation (FAR Case 85-25)	9000-AA95
3485	Amendment to Federal Acquisition Regulation (FAR Case 86-12)	9000-AA97
3486	Amendment to Federal Acquisition Regulation (FAR Case 86-18)	9000-AB03
3487	Amendment to Federal Acquisition Regulation (FAR Case 86-23)	9000-AB08
3488	Amendment to Federal Acquisition Regulation (FAR Case 86-24)	9000-AB09
3489	Amendment to Federal Acquisition Regulation (FAR Case 86-31)	9000-AB16
3490	Amendment to Federal Acquisition Regulation (FAR Case 86-32)	9000-AB17
3491	Amendment to Federal Acquisition Regulation (FAR Case 86-33)	9000-AB18
3492	Amendment to Federal Acquisition Regulation (FAR Case 86-34)	9000-AB19
3493	Amendment to Federal Acquisition Regulation (FAR Case 86-35)	9000-AB20
3494	Amendment to Federal Acquisition Regulation (FAR Case 86-51)	9000-AB37

FAR

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3495	Amendment to Federal Acquisition Regulation (FAR Case 86-54)	9000-AB40
3496	Amendment to Federal Acquisition Regulation (FAR Case 86-58)	9000-AB44
3497	Amendment to Federal Acquisition Regulation (FAR Case 86-59)	9000-AB45
3498	Amendment to Federal Acquisition Regulation (FAR Case 86-64)	9000-AB50
3499	Amendment to the Federal Acquisition Regulation (FAR Case 86-65)	9000-AB51
3500	Amendment to Federal Acquisition Regulation (FAR Case 86-68)	9000-AB53
3501	Amendment to Federal Acquisition Regulation (FAR Case 86-67)	9000-AB54
3502	Amendment to Federal Acquisition Regulation (FAR Case 86-69)	9000-AB55
3503	Amendment to Federal Acquisition Regulation (FAR Case 86-52)	9000-AB60
3504	Amendment to Federal Acquisition Regulation (FAR Case 86-57)	9000-AB61
3505	Amendment to Federal Acquisition Regulation (FAR Case 87-13)	9000-AB73
3506	Amendment to Federal Acquisition Regulation (FAR Case 87-14)	9000-AB74
3507	Amendment to Federal Acquisition Regulation (FAR Case 87-15)	9000-AB75
3508	Amendment to Federal Acquisition Regulation (FAR Case 87-16)	9000-AB76
3509	Amendment to Federal Acquisition Regulation (FAR Case 87-12)	9000-AB79
3510	Amendment to Federal Acquisition Regulation (FAR Case 87-18)	9000-AB80
3511	Amendment to Federal Acquisition Regulation (FAR Case 87-19)	9000-AB81
3512	Amendment to Federal Acquisition Regulation (FAR Case 87-30)	9000-AB85
3513	Amendment to Federal Acquisition Regulation (FAR Case 87-31)	9000-AB86
3514	Amendment to Federal Acquisition Regulation (FAR Case 87-32)	9000-AB87
3515	Amendment to Federal Acquisition Regulation (FAR Case 87-33)	9000-AB88

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3516	Amendment to Federal Acquisition Regulation (FAR Case 85-39)	9000-AA14
3517	Amendment to Federal Acquisition Regulation (FAR Case 84-32)	9000-AA28
3518	Amendment to Federal Acquisition Regulation (FAR Case 85-26)	9000-AA31
3519	Amendment to Federal Acquisition Regulation (FAR Case 84-16)	9000-AA33
3520	Amendment to Federal Acquisition Regulation (FAR Case 84-40)	9000-AA34
3521	Amendment to Federal Acquisition Regulation (FAR Case 84-33)	9000-AA39
3522	Federal Acquisition Regulation (FAR) - FAR Case 85-51	9000-AA77
3523	Federal Acquisition Regulation (FAR) - FAR Case 85-53	9000-AA79
3524	Federal Acquisition Regulation (FAR) - FAR Case 85-58	9000-AA84
3525	Amendment to Federal Acquisition Regulation (FAR Case 86-11)	9000-AA96
3526	Amendment to Federal Acquisition Regulation (FAR Case 86-13)	9000-AA98
3527	Amendment to Federal Acquisition Regulation (FAR Case 86-19)	9000-AB04
3528	Amendment to Federal Acquisition Regulation (FAR Case 86-21)	9000-AB06
3529	Amendment to Federal Acquisition Regulation (FAR Case 86-25)	9000-AB10
3530	Amendment to Federal Acquisition Regulation (FAR Case 86-27)	9000-AB12
3531	Amendment to Federal Acquisition Regulation (FAR Case 86-40)	9000-AB26
3532	Amendment to Federal Acquisition Regulation (FAR Case 86-44)	9000-AB30
3533	Amendment to Federal Acquisition Regulation (FAR Case 86-45)	9000-AB31
3534	Amendment to Federal Acquisition Regulation (FAR Case 86-46)	9000-AB32
3535	Amendment to Federal Acquisition Regulation (FAR Case 86-47)	9000-AB33
3536	Amendment to Federal Acquisition Regulation (FAR Case 86-49)	9000-AB35
3537	Amendment to Federal Acquisition Regulation (FAR Case 86-50)	9000-AB36
3538	Amendment to Federal Acquisition Regulation (FAR Case 86-53)	9000-AB39
3539	Amendment to Federal Acquisition Regulation (FAR Case 86-55)	9000-AB41
3540	Amendment to Federal Acquisition Regulation (FAR Case 86-56)	9000-AB42
3541	Amendment to Federal Acquisition Regulation (FAR Case 86-60)	9000-AB46
3542	Amendment to Federal Acquisition Regulation (FAR Case 86-61)	9000-AB47
3543	Amendment to Federal Acquisition Regulation (FAR Case 86-62)	9000-AB48
3544	Amendment to Federal Acquisition Regulation (FAR Case 86-66)	9000-AB52
3545	Amendment to Federal Acquisition Regulation (FAR Case 87-05)	9000-AB56
3546	Amendment to Federal Acquisition Regulation (FAR Case 87-06)	9000-AB57
3547	Amendment to Federal Acquisition Regulation (FAR Case 86-10)	9000-AB58
3548	Amendment to Federal Acquisition Regulation (FAR Case 86-48)	9000-AB59
3549	Amendment to Federal Acquisition Regulation (FAR Case 86-63)	9000-AB62

FAR

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3550	Amendment to Federal Acquisition Regulation (FAR Case 85-58)	9000-AB64
3551	Amendment to Federal Acquisition Regulation (FAR Case 85-26)	9000-AB65
3552	Amendment to Federal Acquisition Regulation (FAR Case 85-36)	9000-AB66
3553	Amendment to Federal Acquisition Regulation (FAR Case 86-44)	9000-AB67
3554	Amendment to Federal Acquisition Regulation (FAR Case 87-04)	9000-AB68
3555	Amendment to Federal Acquisition Regulation (FAR Case 87-06)	9000-AB69
3556	Amendment to Federal Acquisition Regulation (FAR Case 87-07)	9000-AB70
3557	Amendment to Federal Acquisition Regulation (FAR Case 87-10)	9000-AB71
3558	Amendment to Federal Acquisition Regulation (FAR Case 87-11)	9000-AB72
3559	Amendment to Federal Acquisition Regulation (FAR Case 87-17)	9000-AB77
3560	Amendment to Federal Acquisition Regulation (FAR Case 87-20)	9000-AB78

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

3467. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-22)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to incorporate amendments to the Truth in Negotiations Act required by Section 952 of the Defense Acquisition Improvement Act of 1966 (Pub. L. 99-500).

Timetable:

Action	Date	FR Cite
NPRM	07/14/87	52 FR 26446
NPRM Comment Period End	09/14/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB82

3468. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 44; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation concerning debarment and suspension procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/31/87	52 FR 28642
NPRM Comment Period End	09/28/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB83

3469. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation concerning guaranteed maximum shipping weights and dimensions.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 31722
NPRM Comment Period End	10/20/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB84

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

3470. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10(FAR CASE 85-32)

Legal Authority: 40 USC 486 (c); 42 USC 2453 (c); 10 USC Chapter 137

CFR Citation: 48 CFR 7; 48 CFR 15; 48 CFR 19; 48 CFR 34; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985.

Abstract: (1) Implement Sec. 1213 of Pub. L. 98-525 and Sec. 201 of Pub. L. 98-577 by (a) requiring that the contracting officer, prior to contracting, review the acquisition history of the supplies or services and the description of the supplies, and (b) specifying new requirements applicable to planning for the solicitation of a major system production contract; (2) Implement Sec. 1245 of Pub. L. 98-525 and Sec. 501 of Pub. L. 98-577 by specifying that offerors/contractors (a) are required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value, and (c) are required to flow the requirement down to subcontractors; (3) Implement Sec. 1216 of Pub. L. 98-525 and Sec. 204 of Pub. L. 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days, or submit a written justification for any (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action FAR Case 85-23, Small Business Subcontracting Policy	07/29/86	51 FR 27114
Final Action FAR Case 85-28, Integrity of Unit Prices	07/29/86	51 FR 27114
Final Action FAR Case 85-11, Definition of Major System	07/29/86	51 FR 27114
Final Action FAR Case 85-30, Planning for Future Competition	07/29/86	51 FR 27114
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: differences; (4) Implement Sec. 402 of Pub. L. 98-577 by (a) widening the area where subcontracting possibilities are considered to exist, (b) further specifying the types of acquisitions that are to be considered for contracting and subcontracting with small and small disadvantaged business concerns, and (c) stating the policy of the United States that its prime contractors establish procedures to ensure timely payments to small and small disadvantaged subcontractors; and (5) Implement Sec. 1211 of Pub. L. 98-525 and Sec. 102 of Pub. L. 98-577 by specifying a definition of "major system."

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA00

3471. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 12; 48 CFR 33; 48 CFR 52

Legal Deadline: None.

Abstract: To revise the FAR to comply with revised Department of Justice advice concerning the General Accounting Office (GAO) "stay" provisions in 31 U.S.C. 3553(c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) regarding payment of costs of filing and pursuing a protest and preparing the bid and proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/85	50 FR 25680
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA01

3472. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11(FAR CASE 85-38)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 3; 48 CFR 7; 48 CFR 9; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985.

Abstract: To revise the FAR to (1) Prohibit contractors and subcontractors from asserting or agreeing to unreasonable restrictions on direct sales by subcontractors to the Government; (2) Prescribe policies, procedures, and a solicitation provision for gathering and using information from offerors to assist the Government in planning the most advantageous quantities in which supplies should be purchased; and (3) Prescribe policies, procedures, and a solicitation provision regarding the establishment and enforcement of qualification requirements for sources and products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/85	50 FR 35474
Final Action FAR Case 85-37 Unreasonable Restrictions on Subcontractor Sales	07/29/86	51 FR 27114
Final ActionFAR Case 85-36 Economic Order Quantities	08/12/87	52 FR 30074
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA02

3473. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 83-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 22

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to provide Governmentwide acquisition policy with respect to labor standards for contracts involving construction.

Timetable:

Action	Date	FR Cite
NPRM	11/03/86	51 FR 39965
NPRM Comment Period End	02/02/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA12

3474. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 9; 48 CFR 19

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to bring the FAR into conformance with section 8(b)(7) of the Small Business Act with the award of a contract to a small business pending final determination of its eligibility for award under the Walsh-Healey Public Contracts Act.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA24

3475. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to implement the Debt Collection Act.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA26

3476. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 35

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA29

3477. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to provide guidance under the rules of sealed bidding with respect to acceptable evidence in establishing the date of mailing of a late bid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
NPRM Comment Period End	05/21/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA35

3478. FEDERAL ACQUISITION REGULATION (FAR) FAR CASE 85-63

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453 (c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986.

Abstract: Amend the FAR to provide that any cost made specifically unallowable under FAR 31.205, Selected costs, cannot be allowed under any other section of FAR Subpart 31.2, Contracts with Commercial Organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	52 FR 15884
NPRM Comment Period End	06/29/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA49

3479. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-75

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to clarify the contractor's responsibility for Government-furnished property under service contracts performed at Government installations.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6360
NPRM Comment Period End	04/22/86	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA61

3480. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-32

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory. October 18, 1986 (Public Law 99-500) May 1, 1985 (Public Law 98-577)

Abstract: Amend the FAR to implement Sec. 926 of Public Law 99-500 and Sec. 204 of Public Law 98-577, by requiring offerors in certain noncompetitive acquisitions to certify that prices offered for spare or repair parts that the contractor offers for sale to the public are no higher than the lowest commercial price at which such parts were sold during the most recent regular monthly, quarterly, or other period (but not less than 30 days) in duration for which sales data are reasonably available, or submit a written justification for any differences.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA68

3481. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-43

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to alleviate inequities in contract clauses regarding FOB origin.

Timetable:

Action	Date	FR Cite
NPRM	11/22/85	50 FR 48332
NPRM Comment Period End	01/21/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA69

3482. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-47

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: Statutory, November 1, 1985.

Abstract: Amend the FAR to implement Pub L 98-525 and Pub L 98-577 concerning the validation of restrictive markings on technical data delivered by a contractor to the Government.

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40416
NPRM Comment Period End	01/09/86	50 FR 45442
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA73

3483. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-30)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to adopt as Subpart 32.9, Prompt Payment, the provisions of the Prompt Payment Act (Pub. L. 97-177) and the related OMB Circular A-125 "Prompt Payment" and attachments 1 and 2 of that Circular.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8576
NPRM Comment Period End	05/18/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA93

3484. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-25)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide uniform guidance concerning ratification of unauthorized commitments.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9429
NPRM Comment Period End	05/19/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA95

3485. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-12)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 53

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise Standard Form 1417 to eliminate unnecessary delays in securing solicitation documents by requiring

construction contractors to obtain a certified check or cashiers check.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA97

3486. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-18)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 8

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify Federal Prison Industries' priority status in the acquisition of services.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21496
NPRM Comment Period End	08/11/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB03

3487. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-23)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 13; 48 CFR 19; 48 CFR 20; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide for the use of small purchase procedures in awarding set-aside contracts between $10,000 and $25,000.

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23396
NPRM Comment Period End	07/28/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB08

3488. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-24)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify in the small business set-aside notice that an acquisition is to be made only from a small business concern furnishing a product manufactured in the U.S., its territories, or possessions, Puerto Rico, or the Trust Territory of the Pacific Islands.

Timetable:

Action	Date	FR Cite
NPRM	07/29/86	51 FR 27129
NPRM Comment Period End	09/29/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB09

3489. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-31)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1; 48 CFR 15; 48 CFR 30; 48 CFR 31; 48 CFR 52; 48 CFR 53

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to incorporate the Cost Accounting Standards and certain rules and regulations promulgated by the CAS Board under Pub. L. 91-379.

Timetable:

Action	Date	FR Cite
NPRM	06/03/86	51 FR 20238
NPRM Comment Period End	08/04/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB16

3490. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-32)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 15; 48 CFR 53

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to ensure that the contracting officer and the authorized representative have access to all the data which impacts contract price.

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23396
NPRM Comment Period End	08/25/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB17

3491. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-33)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to incorporate changes to provide improved value engineering coverage.

FAR

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31197
NPRM Comment Period End	10/02/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB18

3492. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-34)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 30

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to delete the requirement to use state rates in discounting certain self-insured losses to present value.

Timetable:

Action	Date	FR Cite
NPRM	07/08/86	51 FR 24788
NPRM Comment Period End	09/08/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB19

3493. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-35)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 30

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to increase the minimum acquisition cost criterion for capitalization purposes from $1,000 to $1,500.

Timetable:

Action	Date	FR Cite
NPRM	07/09/86	51 FR 24971
NPRM Comment Period End	09/08/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB20

3494. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 32; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR regarding penalties charged under DOD contracts for submission of defective cost or pricing data and interest charged from the date of overpayment on all Government contracts in defective pricing cases.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB37

3495. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15

Legal Deadline: None.

Abstract: To amend the FAR to permit the use of letter requests for proposals for sole source acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	10/15/86	51 FR 36777
NPRM Comment Period End	12/15/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB40

3496. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-58)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to (1) clarify service of protest requirements and (2) provide for designation of officials or locations where an information copy of the protest must be delivered.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42805
NPRM Comment Period End	01/26/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB44

3497. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-59)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 40 USC 2453(c)

CFR Citation: 48 CFR 14

Legal Deadline: None.

Abstract: To amend the FAR to clarify that contracting offices may require written requests for the release of lists of prospective bidders furnished copies of plans and specifications on construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/19/86	51 FR 41897
NPRM Comment Period End	01/20/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB40

FAR

Final Rule Stage

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW 20405, Washington, DC 20405, 202 523-4755

RIN: 9000-AB45

3498. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the FAR to implement OMB Circular A-125 and EO 12352, Task Group 5, Module 7, regarding Fast Pay procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44410
NPRM Comment Period End	02/09/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB50

3499. AMENDMENT TO THE FEDERAL ACQUISITION REGULATION (FAR CASE 86-65)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to remove the $100,000 limitation on the amount the contracting officer is authorized to withhold on a cost reimbursement contract to protect the Government's interest pending final cost settlement.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 226
NPRM Comment Period End	03/03/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB51

3500. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-68)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to provide a clearer statement of what constitutes special versus general purpose test equipment.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4086
NPRM Comment Period End	04/10/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB53

3501. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-67)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 9; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to clarify what constitutes a "qualification requirement" and to whom or what it applies.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4082
NPRM Comment Period End	04/10/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB54

3502. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-69)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to include more specific regulatory coverage concerning the termination of overfunded defined benefit pension plans and the resultant employer withdrawal of excess pension fund assets.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4084
NPRM Comment Period End	04/10/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB55

3503. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-52)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 17; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to clarify when agencies should evaluate offers for option quantities in awarding the basic contract and when exercise of an option will satisfy the requirements of full and open competition contained in Part 6 of the FAR.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39456
NPRM Comment Period End	12/29/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB60

3504. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 7

Legal Deadline: None.

Abstract: To amend the FAR to require contracting officers to address in acquisition plans how subcontract competition will be sought, promoted, and sustained throughout an acquisition.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39456
NPRM Comment Period End	12/29/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB61

3505. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-13)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 13; 48 CFR 19; 48 CFR 52

Legal Deadline: Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to (1) raise the threshold for publicizing proposed acquisitions, other than sole source acquisitions, from $10,000 to $25,000, (2) require posting of notices of solicitations expected to exceed $10,000 but not to exceed $25,000, and (3) raise the limitation for small business, small purchase set-asides from $10,000 to $25,000

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB73

3506. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-14)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to expand the authority for DoD and NASA to contract without providing for full and open competition if the supplies or services being contracted for are available from only one or a limited number of responsible sources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB74

3507. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to require contracting officers to address quality in every source selection.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB75

3508. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation requirements regarding the prevention of unit price distortions and identification of supplies that offerors will not manufacture, so that for DoD and NASA, they no longer will apply to commercial items where the price is based on an established catalog or market price.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB76

3509. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-12)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 6; 48 CFR 35

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation pertaining to research and development contracting procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 17280
NPRM Comment Period End	07/06/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB79

3510. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-18)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify allowability policy concerning trade, business, technical and professional activity costs.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 18158
NPRM Comment Period End	07/13/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4766**

RIN: 9000-AB80

3511. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-19)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify the allowability of extraordinary compensation and certain organization costs incurred in connection with mergers and other business combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 18158
NPRM Comment Period End	07/13/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB81

3512. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-30)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation concerning visits to contractor facilities.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB85

3513. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 29

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to include federal tax exemptions other than for manufacturers or special fuels excise taxes.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB86

3514. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise the European Economic Community list.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB87

3515. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to delete certain language affecting severance pay.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB88

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

3516. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-39)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: Statutory, October 19, 1985.

Abstract: Amend the Federal Acquisition Regulation to provide Governmentwide acquisition policy with respect to rights in data and copyrights.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	50 FR 32870
NPRM Comment Period End	09/30/85	
Final Action	05/13/87	52 FR 18140

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA14

3517. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to include, for use in small purchases, a clause on federal, state, and local taxes.

Timetable:

Action	Date	FR Cite
Withdrawn	10/22/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA28

3518. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-26)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: Public comments were solicited in the Federal Register on May 23, 1985, to ascertain the extent of general concurrence with comments received concerning problems with the FAR's contract clauses entitled Changes. Based on the comments received, revisions to the clauses were formulated, and were published as a final rule in the Federal Register on August 12, 1987.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16462
NPRM Comment Period End	06/16/86	
Final Action	08/12/87	52 FR 30074

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA31

3519. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to revise the contract cost principle on allowability of costs for compensated personal absences.

Timetable:

Action	Date	FR Cite
NPRM	07/13/84	49 FR 28571
NPRM Comment Period End	09/11/84	
Withdrawn	07/27/87	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA33

3520. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 16

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to require inclusion of contract identification codes on Standard Form 26, Award/Contract, and Standard Form 33, Solicitation, Offer, and Award.

Timetable:

Action	Date	FR Cite
Withdrawn	06/24/87	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA34

3521. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 3

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to exclude debarred and suspended contractors from conducting business with the Government as agents or representatives of other contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/28/85	50 FR 43633
NPRM Comment Period End	11/27/85	
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA39

3522. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-51

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the FAR to revise the contract cost principle on advance agreements to highlight training and education costs as an example of costs for which advance agreements may be particularly important.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45708
NPRM Comment Period End	12/31/85	
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA77

3523. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-53

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the FAR to revise the contract cost principle on relocation costs to clarify language defining the time requirement for a permanent change of station, correct the list of allowable relocation costs, and clarify the allowability of relocation costs of employees who are hired, relocated, and returned to their point of hire in connection with specific contracts or long-term field projects.

Timetable:

Action	Date	FR Cite
NPRM	11/26/85	50 FR 48735
NPRM Comment Period End	01/27/86	
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA79

3524. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-58

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to adjust customary progress payment rates commensurate with recent trends in interest rates in the private sector, and to promote uniformity throughout the FAR system on these rates.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31194
NPRM Comment Period End	10/02/86	
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA84

3525. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-11)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to shift the burden of proof on the issue of reasonableness of contract costs from the Government to the contractor, abolish the presumption of reasonableness which attaches to incurred costs and simplify the list of considerations that impact reasonableness determinations.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	51 FR 7379
NPRM Comment Period End	05/02/86	
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA96

3526. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-13)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise and clarify coverage on the costs of stock-related employee compensation.

Timetable:

Action	Date	FR Cite
NPRM	04/14/86	51 FR 12676
NPRM Comment Period End	06/13/86	
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA98

3527. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-19)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 15

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to expand existing requirements to summarize proposed, recommended, and negotiated amounts by specifically requiring that the summary be in terms of major cost elements.

Timetable:

Action	Date	FR Cite
NPRM	04/22/86	51 FR 15264
NPRM Comment Period End	05/22/86	
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA

(FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB04

3528. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-21)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to specifically preclude the acceptance of unallowable costs as the result of using equipment ownership and operating cost schedules.

Timetable:

Action	Date	FR Cite
NPRM	04/22/86	51 FR 15264
NPRM Comment Period End	05/22/86	
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB06

3529. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-25)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation with respect to Government purchases of products from countries designated under the Caribbean Basin Economic Recovery Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/06/86	51 FR 16802
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB10

3530. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-27)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify the intent of legislative lobbying costs.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19506
NPRM Comment Period End	07/28/86	
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB12

3531. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-40)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 8

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to add coverage on the use of color coded schedules under the Federal Supply Schedules Program.

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB26

3532. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-44)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 45

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify instructions for preparing the Standard Form 1432 relative to the descriptive information about special tooling and special test equipment that must be reported.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31196
NPRM Comment Period End	11/03/86	
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB30

3533. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-45)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 9

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide a greater degree of uniformity in the treatment of firms and individuals that are debarred/suspended from contracts with the U.S. Government.

Timetable:

Action	Date	FR Cite
Withdrawn	08/11/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB31

3534. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-46)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: Statutory, August 19, 1986.

Abstract: To amend the Federal Acquisition Regulation to implement Article 15 of the U.S.-Israel Free Trade Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/27/86	51 FR 30618
Final Action	08/12/87	52 FR 30074

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB32

3535. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the FAR to clarify that BPA's shall not cite accounting and appropriation data.

Timetable:

Action	Date	FR Cite
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB33

3536. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-49)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to clarify the requirement that telegraphic proposals must be submitted to the office specified in the solicitation.

Timetable:

Action	Date	FR Cite
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB35

3537. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-50)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to eliminate the need for separate provisions in overseas solicitations.

Timetable:

Action	Date	FR Cite
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB36

3538. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 5

Legal Deadline: None.

Abstract: To amend the FAR to revise the exceptions to synopsizing contract awards in FAR 5.301 to reflect current statutory exceptions.

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB39

3539. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-55)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32; 48 CFR 44

Legal Deadline: None.

Abstract: To amend the FAR to clarify contracting officer responsibilities in reviewing prime contractor administration of subcontractor progress payments.

Timetable:

Action	Date	FR Cite
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB41

3540. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-56)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 25

Legal Deadline: None.

Abstract: To amend the FAR to clarify that not all ammunition purchases are subject to the Buy American Act.

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB42

3541. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-60)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 4

Legal Deadline: None.

Abstract: To amend the FAR to eliminate the requirement to retain records for procurements of $25,000 or less when small purchase procedures are not used.

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB46

3542. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-61)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the FAR to clarify the policy on the use of oral solicitations under small purchase procedures.

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB47

3543. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-62)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 7

Legal Deadline: None.

Abstract: To amend the FAR to clarify the requirement that the clause at 52.207-3, Right of First Refusal of Employment, is to be included in all solicitations whether or not a cost comparison was performed.

Timetable:

Action	Date	FR Cite
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB48

3544. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-66)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 22

Legal Deadline: None.

Abstract: To amend the FAR to be consistent with the policies of the Office of Federal Contract Compliance Programs (OFCCP) as published in 41 CFR 60-1.20(d) relating to equal opportunity preaward clearance of subcontracts in construction contracts.

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB52

3545. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-05)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the FAR to modify FAR 31.205-38 to limit the restriction associated with foreign sales to "direct selling efforts," as defined in FAR 31.205-38(c).

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB56

3546. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-06)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 5

Legal Deadline: None.

Abstract: To amend the FAR to permit agency determination of the thresholds above which routine reporting and announcement of contract awards will be made.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB57

3547. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 22; 48 CFR 52; 48 CFR 53

Legal Deadline: None.

Abstract: To amend the FAR to implement Section 1241 of Public Law 99-145 and Department of Labor regulatory revisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/86	51 FR 12292
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB58

3548. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-48)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 8

Legal Deadline: None.

Abstract: To amend the FAR to revise the coverage on the acquisition of printing and related supplies to reflect the Supreme Court's decision regarding approval procedures, substitution of a notification requirement, and definitions.

Timetable:

Action	Date	FR Cite
Final Action	03/20/87	52 FR 9036

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB59

3549. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-63)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 28

Legal Deadline: None.

Abstract: To amend the FAR to permit agencies to require only separate bid bonds as bid guarantees for construction contracts.

Timetable:

Action	Date	FR Cite
Final Action	05/27/87	52 FR 19800

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB62

3550. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-58)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise the customary progress payment rates, incorporate limitations, and provide guidance when more than one rate is used.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB64

3551. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-26)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to specify that a contractor must assert its right to an adjustment in a contract's price and/or delivery schedule within 30 days from the date of the issuance of a change to the contract.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB65

3552. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to assist the Government in planning the purchase of supplies by using information from offerors.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB66

3553. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-44)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify contractor requirements when reporting excess special tooling and test equipment for disposal action.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB67

3554. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-04)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise current SBA size standards to conform with modifications published by the SBA on January 6, 1987.

Timetable:

Action	Date	FR Cite
Final Action	06/09/87	52 FR 21885

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB68

3555. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-06)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to allow agencies to announce awards at a minimum dollar threshold other than $3 million.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB69

3556. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-07)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to add a reference to "federally recognized Indian tribal governments."

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB70

3557. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to authorize a pen and ink change to a form pending publication of a new edition.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB71

3558. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-11)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 22

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide an alternative definition for a regular dealer in specialty advertising products.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB72

3559. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-17)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to permit a waiver for bid guarantees for construction work to be performed overseas.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB77

3560. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-20)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to specify a dollar threshold for Government property usage analyses, and update terminology on plants and equipment retained for mobilization.

Timetable:

Action	Date	FR Cite
Final Action	08/12/87	52 FR 30074

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AB78

[FR Doc. 87-21262 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XLIII

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254-7360.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, et seq. ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.[1] In addition, the agenda lists rulemaking actions which have been completed since the April agenda was prepared.

The Commission's agenda represents its best estimate of significant rules which will be considered over the next twelve months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1987 Regulatory Flexibility Agenda as part of the October Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's October 1987 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, DC on September 3, 1987, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3561	Regulations governing Commission review of certain actions of registered futures associations	3038-AA57

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3562	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
3563	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
3564	Revision of Federal Speculative Position Limits	3038-AA52
3565	Activities of Self-Regulatory Organization Governing Members who Possess Material, Non-Public Information	3038-AA53

[1] The Commission has published its definition of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that the Commission intends to consider that month.

CFTC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3566	Exemption from registration as a commodity trading advisor	3038-AA54

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3567	Regulations Governing the Offer and Sale of Foreign Futures and Option Contracts in the United States	3038-AA33
3568	Review of Exchange Disciplinary Actions	3038-AA49

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

3561. ● REGULATIONS GOVERNING COMMISSION REVIEW OF CERTAIN ACTIONS OF REGISTERED FUTURES ASSOCIATIONS

Legal Authority: 7 USC 21(h); 7 USC 21(i); 7 USC 21(o)(2); 7 USC 12a(5)

CFR Citation: 17 CFR 3

Legal Deadline: None.

Abstract: The Commission has statutory authority to review the actions of registered futures associations such as the National Futures Association. Such actions include registration decisions, membership decisions and decisions in disciplinary actions. The Commission currently reviews registration decisions by the National Futures Association pursuant to Subpart F of 17 CFR Part 3. Section 107 of the Futures Trading Act of 1986 mandates that the Commission develop regulations relating to notice of membership decisions and decisions in disciplinary actions made by registered futures associations and to expedited consideration by the Commission of a motion to stay the effect of a decision by a registered futures association pending the Commission review of the decision. The Commission intends to propose rules to govern its review of actions by self regulatory organizations in light of this Congressional mandate and the need to assure that review by the Commission is fair, expeditious and consistent with the policies of self-regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	03/31/88	

Small Entity: No

Agency Contact: James C. Bohling, Esq., Office of the General Counsel, Commodity Futures Trading Commission, 2033 K St. N.W., Washington, D.C. 20581, 202 254-9880

RIN: 3038-AA57

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Final Rule Stage

3562. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

Legal Authority: 7 USC 6c(b); 7 USC 6c(d); 7 USC 12a(5)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32

Legal Deadline: None.

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of buying, selling, producing or otherwise using that commodity. The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission intends to re-evaluate the proposed rules in light of regulatory changes that have occurred since 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/20/78	43 FR 59396
NPRM	04/27/81	46 FR 23469
ANPRM	03/18/85	50 FR 10788
Final Action	09/30/88	

CFTC

Final Rule Stage

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA03

3563. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6c; 7 USC 6f; 7 USC 6g; 7 USC 12a

CFR Citation: 17 CFR 1.12; 17 CFR 1.17

Legal Deadline: None.

Abstract: The Commission adopted two amendments to its minimum financial and related requirements for futures commission merchants (FCMs). One amendment will preserve the one-day grace period for debit/ deficit accounts unless the account had been in debit/deficit status on the previous business day and the present day's debit or deficit was not timely satisfied in its entirety by the deposit of new funds. The second amendment is an enhancement of the financial early warning system which requires an FCM to notify its designated self-regulatory organization and the Commission immediately when it determines that an account it is carrying is undermargined by an amount which exceeds its adjusted net capital. The Commission also reproposed a rule to clarify the requirements for and treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
NPRM	07/29/87	52 FR 28281
Final Action	00/00/00	

Small Entity: No

Additional Information: Two final rules published 7/29/87, 52 FR 28246 and 52 FR 28248. Effective date: 8/28/87. Guaranteed account rule reproposed on 7/29/87, 52 FR 28281.

Agency Contact: Lawrence Patent or Gary Miller, Assoc. Chief Counsel and Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA10

3564. REVISION OF FEDERAL SPECULATIVE POSITION LIMITS

Legal Authority: 7 USC 6a; 7 USC 12a(5)

CFR Citation: 17 CFR 150.1; 17 CFR 150.2; 17 CFR 150.3; 17 CFR 150.4; 17 CFR 150.5; 17 CFR 150.10; 17 CFR 150.11; 17 CFR 150.12; 17 CFR 150.6, (new); 17 CFR 150.7, (new)

Legal Deadline: None.

Abstract: It has been a longstanding policy of the Commodity Futures Trading Commission ("Commission") to establish and enforce under its rulemaking authority speculative position limits for futures contracts on various agricultural commodities. Generally, the appropriateness of the particular levels of these speculative position limits has not been reviewed in recent years. In this regard, the Commission has received petitions for rulemaking concerning these matters. Accordingly, the Commission is undertaking generally to review these speculative position limits and to revise them as appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	09/04/86	51 FR 31648
ANPRM Comment Period End	11/03/86	
NPRM	03/05/87	52 FR 6812
NPRM Comment Period End	06/03/87	
Final Action	12/30/87	

Small Entity: No

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K St. N. W., Washington, D. C. 20581, 202 254-6990

RIN: 3038-AA52

3565. ACTIVITIES OF SELF-REGULATORY ORGANIZATION GOVERNING MEMBERS WHO POSSESS MATERIAL, NON-PUBLIC INFORMATION

Legal Authority: 7 USC 5; 7 USC 6b; 7 USC 7; 7 USC 7a; 7 USC 8; 7 USC 13a; 7 USC 12; 7 USC 12a; 7 USC 13; 7 USC 21; 7 USC 26(b)

CFR Citation: 17 CFR 1

Legal Deadline: None.

Abstract: The Commission proposed adopting a regulation which would require designated self-regulatory organizations (SROs) to adopt rules to prohibit the disclosure and misuse of material, non-public information obtained by SRO members by nature of their participation on governing boards or committees. The regulation would also require SROs and clearing organizations to adopt rules to require, subject to certain exceptions, the immediate publication of final decisions by governing boards and committees. The Commission proposes to include these new requirements as amendments to the existing Regulations 1.59 pertaining to the use of non-public information by SRO employees.

Timetable:

Action	Date	FR Cite
NPRM	06/11/85	50 FR 24533
NPRM	08/00/87	
Final Action	12/30/87	

Small Entity: No

Additional Information: Further request for comments 12/12/86 (51 FR 44871)

Agency Contact: De'Ana Hamilton Brown, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K St. N.W., Washington, D. C. 20581, 202 254-8955

RIN: 3038-AA53

3566. ● EXEMPTION FROM REGISTRATION AS A COMMODITY TRADING ADVISOR

Legal Authority: 7 USC 2; 7 USC 4; 7 USC 6; 7 USC 6b; 7 USC 6c; 7 USC 6d; 7 USC 6e; 7 USC 6f; 7 USC 6g; 7 USC 6h; 7 USC 6i; 7 USC 6k; 7 USC 6m; 7 USC 6n; 7 USC 6o

CFR Citation: 17 CFR 4.6; 17 CFR 4.12; 17 CFR 4.14

Legal Deadline: None.

Abstract: Rule 4.6 will exclude certain otherwise regulated persons, such as state-regulated insurance companies, from the definition of the term "commodity trading advisor" (CTA), and Rule 4.14 will exempt certain other persons, such as registered investment advisors, from registration as a CTA. To implement these rules, certain other amendments will be made to the Commission's regulations. Rule 4.12 will provide relief from specific compliance with the disclosure, reporting and

CFTC

Final Rule Stage

recordkeeping requirements of Part 4 for registered commodity pool operators who operate pools which, among other things, trade generally and routinely in securities instruments and who intend to commit no more than 10 percent of the fair market value of their pools' assets as initial margin or as option premiums for commodity interest trading.

Timetable:

Action	Date	FR Cite
NPRM	05/26/87	52 FR 19522
NPRM Comment Period End	07/10/87	
Final Action	10/31/87	

Small Entity: No

Agency Contact: Barbara Stern Gold, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K St. N.W., Washington D.C. 20581, **202 254-8955**

RIN: 3038-AA54

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Completed Actions

3567. REGULATIONS GOVERNING THE OFFER AND SALE OF FOREIGN FUTURES AND OPTION CONTRACTS IN THE UNITED STATES

CFR Citation: 17 CFR 30

Completed:

Reason	Date	FR Cite
Final Action	08/05/87	52 FR 28980
Final Action Effective	01/04/88	

Small Entity: Undetermined

Agency Contact: Jane C. Kang 202 254-8955

RIN: 3038-AA33

3568. REVIEW OF EXCHANGE DISCIPLINARY ACTIONS

CFR Citation: 17 CFR 9

Completed:

Reason	Date	FR Cite
Final Action	07/07/87	52 FR 25362
Final Action Effective	08/06/87	

Small Entity: No

Agency Contact: Phillip V. McGuire 202 254-8955

RIN: 3038-AA49

[FR Doc. 87-21917 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XLIV

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 1987.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6980. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Media Relations, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-5540. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601-612, contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act, 5 U.S.C. 602, requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, the objectives and legal basis for the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The Regulatory Flexibility Agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: September 24, 1987

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3569	Rule review	3041-AA20
3570	Rule review	3041-AA24
3571	Rule review	3041-AA25
3572	Petition HP 84-1. Petition to request amendment to the regulations on electrical toys to exempt electronic video games	3041-AA41
3573	All-Terrain Vehicles	3041-AA53
3574	Petition PP 85-2. Petition for rule to make disposable lighters child-resistant	3041-AA56
3575	Petition CP 86-1 requesting issuance of rule to address tip-over hazards of mobile television carts and related products for use in schools, institutions, and government agencies	3041-AA60

CPSC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3576	Petition HP 86-1 requesting issuance of a rule to require labeling of disposable diapers	3041-AA61
3577	Petition HP 87-1 requesting a ban of certain household products containing more than 0.01 percent tremolite	3041-AA63
3578	Petition PP 87-1 requesting that certain conjugated estrogens be exempted from Poison Prevention Packaging Act regulations requiring child-resistant packaging	3041-AA65
3579	Petition CP 86-2 requesting a consumer product safety standard for bunk beds	3041-AA66
3580	Petition HP 87-2 to request amendment to the CPSC small parts regulation for items intended for children under three years of age	3041-AA67
3581	Petition CP 87-1 requesting development of a product safety rule for kerosene heaters and requiring a label to warn against flare-up	3041-AA68
3582	Petition PP 87-2 requesting that certain effervescent acetaminophen tablets be exempted from Poison Prevention Packaging Act regulations requiring child-resistant packaging	3041-AA69
3583	Petition PP 87-4 requesting that certain unflavored aspirin in powder form be exempted from Poison Prevention Packaging Act regulations requiring child-resistant packaging	3041-AA70
3584	Petition PP 87-3 requesting that certain medroxyprogesterone acetate tablets be exempted from Poison Prevention Packaging Act regulations requiring child-resistant packaging	3041-AA71
3585	Possible standard or ban to address injuries to children caused by children playing with lawn darts	3041-AA72

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3586	Requirements for the special packaging of household substances; advance notice of proposed rulemaking and notice of opportunity for oral presentations	3041-AA22
3587	Federal Hazardous Substances Act regulations for first aid labeling of products containing 10 percent or more of benzene, toluene, xylene, or petroleum distillates	3041-AA52
3588	Petition HP 85-1. Petition requesting ban of household products containing methylene chloride	3041-AA58
3589	Household substances containing methylene chloride; status as hazardous substances; proposed rule	3041-AA59

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Prerule Stage

3569. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1193 Flammable Fabrics Act; 15 USC 1194 Flammable Fabrics Act; 15 USC 2079 Consumer Product Safety Act

CFR Citation: 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Legal Deadline: Statutory, December 31, 1990.

Abstract: On February 2, 1984, the Commission published a Federal Register notice listing eight (8) rules and standards issued under the Flammable Fabrics Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/02/84	49 FR 4103
Public Comment Period Ends	04/02/84	49 FR 4103

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, 301 492-6980

RIN: 3041–AA20

3570. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Legal Deadline: Statutory, December 31, 1990.

Abstract: The Commission plans to publish a Federal Register notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety

Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA24

3571. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Legal Deadline: Statutory, December 31, 1990.

Abstract: On February 22, 1984, the Commission published a Federal Register notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act and soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public Comment Period Ends	04/23/84	49 FR 6504

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA25

3572. PETITION HP 84-1. PETITION TO REQUEST AMENDMENT TO THE REGULATIONS ON ELECTRICAL TOYS TO EXEMPT ELECTRONIC VIDEO GAMES

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1505

Legal Deadline: None.

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from coverage. If the Commission grants the petition, it will proceed to develop a proposed exemption to the standard.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Elaine Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA41

3573. ALL-TERRAIN VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1262(f) Federal Hazardous Substances Act

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPR) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-terrain vehicles. An all-terrain vehicle (ATV) is a motorized machine intended to be ridden by one person and designed for off-road use. ATVs are manufactured in three-wheel and four-wheel designs. Hearings were held in six cities from May 1985 through March 1986. On April 3, 1985, the Commission established a staff ATV Task Force to study and evaluate this matter. The Task Force submitted a report and recommendations. On December 18, 1986, the Commission directed its staff to: (1) continue to work with the industry to develop voluntary performance standards and do the technical work required to issue a NPRM to address the performance characteristics of ATVs, (2) prepare a letter to state governors, the Department of the Interior, and other appropriate federal agencies stressing the importance of ATV safety, and inform consumers and states of ATV safety hazards, (3) update the ATV safety alert and actively conduct Clearinghouse (cont.)

Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period End	09/30/85	50 FR 31391

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT. activities on ATV safety, (4) develop a program to provide all the types of notice and warning necessary to advise consumers of the risks associated with ATVs and how to minimize the risks, (5) prepare a letter for Commission approval advising the Specialty Vehicle Industry Association (SVIA) of the Commission's displeasure at the progress to date in developing voluntary standards, and (6) prepare a letter for Commission approval asking that ATV manufacturers voluntarily cease marketing ATVs intended for use by children under 12 years of age. Letters were sent to the Governors of the fifty states on January 28, 1987, and to Federal agencies on February 26, 1987. A letter setting forth the Commission's concern about progress in developing voluntary standards for ATVs was sent to SVIA on March 30, 1987. The Consumer Alert on ATVs was updated and made available to the public on May 7, 1987.

Agency Contact: Nick Marchica, Chairman, ATV Task Force, Consumer Product Safety Commission, Office of the Executive Director, Washington, D. C. 20207, **301 492-6550**

RIN: 3041-AA53

3574. PETITION PP 85-2. PETITION FOR RULE TO MAKE DISPOSABLE LIGHTERS CHILD-RESISTANT

Legal Authority: 15 USC 1471 et seq. Poison Prevention Packaging Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: On May 3, 1985, the Commission received a petition from Diane L. Denton, R.N., requesting the Commission to initiate a rulemaking proceeding to establish requirements applicable to disposable lighters to make those products child-resistant. Information available to the Commission staff indicates that a significant number of young children die each year from fires involving

disposable lighters. However, this information is not adequate to determine what action, if any, could be taken to reduce this hazard. A study is in progress to obtain information about possible means of addressing risks of death and injury to young children associated with disposable lighters. The field portion of the study has been completed, and an analysis of the data obtained is in progress. The staff will prepare a briefing package for consideration by the Commission in deciding whether to grant or deny the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: L. J. Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA56

3575. PETITION CP 86-1 REQUESTING ISSUANCE OF RULE TO ADDRESS TIP-OVER HAZARDS OF MOBILE TELEVISION CARTS AND RELATED PRODUCTS FOR USE IN SCHOOLS, INSTITUTIONS, AND GOVERNMENT AGENCIES

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 2051 et seq Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: By letter dated June 3, 1986, James L. Dieringer petitioned the Commission to begin a proceeding for issuance of a rule to address the tip-over hazards of mobile television carts and related equipment for use in schools, institutions, and government agencies. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a rulemaking proceeding under the Consumer Product Safety Act. A Commission decision is expected in October 1987.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Stan Morrow, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA60

3576. PETITION HP 86-1 REQUESTING ISSUANCE OF A RULE TO REQUIRE LABELING OF DISPOSABLE DIAPERS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 et seq. Federal Hazardous Substances Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: By letter dated February 12, 1986, the Coalition of Concerned Parents requested the Commission to begin a proceeding for issuance of a rule to require labeling of disposable diapers and disposable diaper boxes to warn of ingestion and flammability hazards. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a rulemaking proceeding under the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: L. James Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA61

3577. PETITION HP 87-1 REQUESTING A BAN OF CERTAIN HOUSEHOLD PRODUCTS CONTAINING MORE THAN 0.01 PERCENT TREMOLITE

Legal Authority: 15 USC 1261(q)(1)(B) Federal Hazardous Substances Act; 5 USC 553(e) Administrative Procedure Act

CFR Citation: 16 CFR 1500

Legal Deadline: None.

Abstract: On October 14, 1986, Mr. Mark Germaine petitioned the Commission to ban: consumer products that contain limestone, including lawn and garden limestones, both granular and pulverized; sand products, including play sand; and consumer gravel products; if such products contain more than 0.01 percent of tremolite. Mr. Germaine bases his request for a ban on a concern that tremolite in these products is carcinogenic and causes mesothelioma. The staff will prepare a briefing package for consideration by the Commission in deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a rulemaking proceeding under the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Sandra Eberle, Program Manager, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA63

3578. PETITION PP 87-1 REQUESTING THAT CERTAIN CONJUGATED ESTROGENS BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 to 1474 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None.

Abstract: A petition dated October 26, 1986, from Ayerst Laboratories requested that the Commission increase the present exemption from special packaging requirement for conjugated estrogens from 26.5 to 32 milligrams per mnemonic package. The staff is preparing a briefing package on this petition for submission to the Commission in September 1987. If the Commission grants the petition, it will initiate a rulemaking proceeding under the Poison Prevention Packaging Act.

CPSC

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia White, Project Manager, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA65

3579. PETITION CP 86-2 REQUESTING A CONSUMER PRODUCT SAFETY STANDARD FOR BUNK BEDS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2056 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act; 15 USC 2079(d) Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: In correspondence dated August 26, 1986, the Consumer Federation of America petitioned the Commission to begin a proceeding to issue a consumer product safety standard for bunk beds. The petition alleges that unreasonable risks of death or injury to children are associated with bunk beds in that (1) supporting structures for mattresses can be inadequate to prevent the mattress from falling on children, (2) guardrails can be positioned far enough above the upper surface of the mattress to allow a child's body to slip between the guardrail and the mattress, resulting in head entrapment and strangulation, and (3) the absence of a guardrail on the side of the bed next to a wall can result in entrapment of a child's head or chest between the mattress and the wall, causing strangulation. If the petition is granted, the Commission will begin a rulemaking proceeding under either the Consumer Product Safety Act or the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Elaine Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041-AA66

3580. ● PETITION HP 87-2 TO REQUEST AMENDMENT TO THE CPSC SMALL PARTS REGULATION FOR ITEMS INTENDED FOR CHILDREN UNDER THREE YEARS OF AGE

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1261-62 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1501.4

Legal Deadline: None.

Abstract: In correspondence dated April 20, 1987, the Consumer Federation of America (CFA) petitioned the Commission on behalf of CFA and the New York State Attorney General's Office to amend the small parts regulation to require the diameter of the small parts cylinder specified in the regulation to be increased from 1.25 inches to at least 1.68 inches, in order to decrease choking incidents. The facts claimed to support the need for an amendment of the small parts regulation are derived from a CPSC Human Factors analysis of choking incidents in children (1983), a 1986 CPSC listing of choking incidents from in-depth investigations, and a written opinion by Bernard Dreyer, M.D. If the petition is granted, the Commission will begin a rulemaking proceeding under the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Elaine Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA67

3581. ● PETITION CP 87-1 REQUESTING DEVELOPMENT OF A PRODUCT SAFETY RULE FOR KEROSENE HEATERS AND REQUIRING A LABEL TO WARN AGAINST FLARE-UP

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2056 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act; 15 USC 2076 Consumer Product Safety Act

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: On September 19, 1986, the Commission received a petition from the National Kerosene Heater Association (NKHA). The association requested that the Commission initiate proceeding under the Consumer Product Safety Act to develop a kerosene heater rule containing requirements to limit nitrogen dioxide emissions of kerosene heaters and all of the requirements for kerosene heaters now contained in UL Standard 647. At about the same time, the International Association of Fire Chiefs (IAFC) requested the Commission to require the kerosene heater industry to provide notice and warning labels on all kerosene heaters sold in the United States alerting the consumer that unvented portable kerosene heaters are subject to spontaneous and uncontrollable flare-up with flames extending outside the cabinet. The staff is preparing a briefing package on these requests for consideration by the Commission. If the Commission grants the petition from NKHA or the request from IAFC, it will begin a rulemaking proceeding under the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: L. James Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA68

3582. ● PETITION PP 87-2 REQUESTING THAT CERTAIN EFFERVESCENT ACETAMINOPHEN TABLETS BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1471 et seq. Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None.

Abstract: A petition dated April 21, 1987, from Miles Laboratories, Inc. requested the Commission to increase the present exemption from special

packaging requirements for effervescent acetaminophen tablets from an acetaminophen content of less than 10 percent to one of less than 15 percent. In October, 1987, the staff will send a briefing package to the Commission with recommendations for action on the petition. If the Commission grants the petition, it will initiate a rulemaking proceeding under the Poison Prevention Packaging Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	10/00/87	

Small Entity: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA69

3583. ● PETITION PP 87-4 REQUESTING THAT CERTAIN UNFLAVORED ASPIRIN IN POWDER FORM BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1471 et seq. Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None.

Abstract: A petition dated May 20, 1987, from Block Drug Company requested the Commission to increase the present exemption from special packaging requirements for unflavored aspirin preparations in powder form which are packaged in unit doses from 13 grains per unit dose to 15.4 grains per unit dose. In January, 1988, the staff will send a briefing package to the Commission with recommendations for action on the petition.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	01/00/88	

Small Entity: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA70

3584. ● PETITION PP 87-3 REQUESTING THAT CERTAIN MEDROXYPROGESTERONE ACETATE TABLETS BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1471 et seq. Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None.

Abstract: A petition dated April 27, 1987, Ayerst Laboratories asked the Commission to exempt from special packaging requirements for oral prescription drugs, medroxyprogesterone acetate tablets when dispensed in mnemonic packages containing no more than 100 milligrams of the drug. If the Commission grants the petition, it will initiate a rulemaking proceeding under the Poison Prevention Packaging Act. In December, 1987, the staff will send a briefing package to the Commission with recommendations for action on the petition.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	12/00/87	

Small Entity: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA71

3585. ● POSSIBLE STANDARD OR BAN TO ADDRESS INJURIES TO CHILDREN CAUSED BY CHILDREN PLAYING WITH LAWN DARTS

Legal Authority: 15 USC 1261 to 1262 Federal Hazardous Substances Act; 15 USC 2056 to 2058 Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18(a)(4); 16 CFR 1500.86(a)(3)

Legal Deadline: None.

Abstract: The Commission has been considering options to address injuries and deaths in children caused by children playing with lawn darts. On October 1, 1987, the Commission directed its staff to prepare an ANPR for Commission approval that would indicate that the Commission may either require five labeling, instructions, and marketing actions that the Commission previously had asked the industry to do voluntarily or ban lawn darts. The latter action would include the possibility of revoking the current FHSA exemption that allows the marketing of certain lawn darts. The particular action to be taken ultimately would take into account the results of a surveillance program to be conducted by the staff 3 months after the ANPR to determine if the industry is in substantial compliance with the requested five actions. The final action would also depend on an evaluation of whether such voluntary or mandatory standards, if enforced, could be expected to protect consumers from unreasonable risk of injuries. The ANPR would include inquiries to the public to determine whether the current exemption should be revoked or amended. The staff was directed to vigorously enforce current FHSA provisions on (cont)

Timetable:

Action	Date	FR Cite
ANPRM	10/20/87	
ANPRM Comment Period End	12/20/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: lawn darts and to issue a consumer alert on an annual basis. Shortly before the Commission's vote, a petition (No. CP 87-3) was received from David A. Snow, asking for a ban of lawn darts.

Agency Contact: Elaine Tyrrell, Project Manager, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA72

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

3586. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; ADVANCE NOTICE OF PROPOSED RULEMAKING AND NOTICE OF OPPORTUNITY FOR ORAL PRESENTATIONS

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None.

Abstract: On January 19, 1983, the Commission published an Advance Notice of Proposed Rulemaking soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. In June, 1985, the Commission staff completed testing to determine the feasibility of using some of the alternate procedures for evaluation of child-resistant packaging described in the ANPR. In August 1987, the Commission considered the comments received in response to the ANPR and the staff's recommendations regarding revision of existing requirements for child-resistant packaging. The Commission directed the staff to prepare draft proposals to amend the test protocols used to evaluate the effectiveness of child-resistant packaging. The staff is preparing a briefing package concerning specific revisions to the child test protocol and the adult test protocol. The staff anticipates that it will transmit the briefing package to the Commission in December 1987.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA22

3587. FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS FOR FIRST AID LABELING OF PRODUCTS CONTAINING 10 PERCENT OR MORE OF BENZENE, TOLUENE, XYLENE, OR PETROLEUM DISTILLATES

Legal Authority: 15 USC 1261(p)(1) Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.14(b)(3)

Legal Deadline: None.

Abstract: On December 13, 1985, the Commission proposed a regulation to amend the FHSA regulations for first aid labeling of products containing 10 per cent or more of benzene, toluene, xylene, or petroleum distillates by eliminating the current requirement that such labeling must contain the direction "if swallowed, do not induce vomiting." Current expert opinion is that the decision of whether to induce vomiting as a first aid treatment should be made on a case-by-case basis, depending on the toxicity of the individual product and the amount ingested. The staff is preparing a briefing package with an analysis of comments received on the proposed amendment for submission to the Commission in September 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/13/85	50 FR 50918
NPRM Comment Period End	02/11/86	50 FR 50918

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C.20207, **301 492-6554**

RIN: 3041-AA52

3588. PETITION HP 85-1. PETITION REQUESTING BAN OF HOUSEHOLD PRODUCTS CONTAINING METHYLENE CHLORIDE

Legal Authority: 15 USC 1261(q)(1)(B) Federal Hazardous Substances Act; 15 USC 1262(a) Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: None.

Abstract: On September 3, 1985, the Consumer Federation of America (CFA) petitioned the Commission to begin a proceeding for issuance of a rule under provisions of section 3(a) of the Federal Hazardous Substances Act (FHSA) to declare that household products containing methylene chloride are hazardous substances. By letter dated December 20, 1985, CFA amended the petition to also request that a proceeding be initiated to declare household products containing methylene chloride to be "banned hazardous substances" under provisions of section 2(q)(1)(B) of the FHSA upon issuance of the rule to classify such products as hazardous substances. Methylene chloride is a solvent used in paint strippers, spray paints, and other consumer products. On August 20, 1986, the Commission proposed a rule to declare household products containing methylene chloride to be hazardous substances. This had the effect of granting CFA's first request. In August 1987, the Commission determined that there was insufficient controversy to warrant a rulemaking proceeding and issued a statement of enforcement policy stating the Commission's view that (cont.)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy published	09/14/87	52 FR 34698

Next Action Undetermined

Small Entity: Undetermined

Additional Information: CONT household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are hazardous substances and subject to the FHSA's labeling requirements. If the Commission grants the remainder of CFA's petition, it will publish an advance notice of proposed rulemaking under the provisions of the FHSA.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA58

3589. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CPSC

Proposed Rule Stage

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None.

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was insufficient controversy over the status of methylene chloride as a hazardous substance; therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are (cont.)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy published	09/14/87	52 FR 34698

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: subject to the FHSA's labeling requirements.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA59

[FR Doc. 87-22220 Filed 10-23-87; 8:45 am]

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Monday
October 26, 1987

Part XLV

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department Unified Agenda of Regulations and review list.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of October 1987 through April 1988.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703-883-4020).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, et seq.), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. Farm Credit Administration regulations which apply to Farm Credit System banks and associations do not and will not have a substantial impact on small entities. None of the entities regulated by the FCA fall within the definition of small entities in the Regulatory Flexibility Act. While many associations through which banks lend are smaller in size than their banks, they are not independently operated, as they are closely supervised by the banks, which must approve most of their operating policies. The associations rely exclusively on their supervising banks for their source of funds. Furthermore, the associations do not compete with each other since, as with their supervising banks, each serves only a particular geographic area.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Dated: September 8, 1987.

Elizabeth Kirby,

Acting Secretary, Farm Credit Administration Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3590	Part 612; Personnel Administration; Standards of Conduct for Directors, Officers and Employees of System Institutions	3052-AA81
3591	Examinations	3052-AA89

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3592	Part 602 - Releasing Information	3052-AA05
3593	Compensation of District Director Board Members	3052-AA09
3594	Cooperative Eligibility	3052-AA11
3595	Loans Outside of Bank's Territory - Banks for Cooperatives	3052-AA13
3596	Methods of Financing	3052-AA36
3597	Obligations Eligible for Discount or Purchase	3052-AA37
3598	Overall Review of 12 CFR Parts 611 - 618	3052-AA48
3599	Banks for Cooperatives	3052-AA51
3600	Part 614 - Loan Policies and Operations Subpart Q -- Banks for Cooperatives Financing International Trade	3052-AA52
3601	Part 615 - Funding and Fiscal Affairs	3052-AA60
3602	Funding and Fiscal Affairs; Capital Adequacy	3052-AA79
3603	Loan Policies and Operations; Borrower Rights	3052-AA83
3604	Interest Rates	3052-AA84
3605	Disclosure to Shareholders; Accounting and Reporting Requirements	3052-AA86
3606	Capital Corporation Assessments	3052-AA87
3607	Capital Adequacy Related	3052-AA88

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3608	Part 606 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Farm Credit Administration	3052-AA67

FCA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3609	Part 624-Farm Credit System Regulatory Accounting Practices; Temporary Regulations	3052-AA82

FARM CREDIT ADMINISTRATION (FCA)

Prerule Stage

3590. PART 612; PERSONNEL ADMINISTRATION; STANDARDS OF CONDUCT FOR DIRECTORS, OFFICERS AND EMPLOYEES OF SYSTEM INSTITUTIONS

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612.2150

Legal Deadline: None.

Abstract: Amendment to present regulation which would prohibit an individual from serving simultaneously as an employee of a Farm Credit System bank and the System association it supervises.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020)

Agency Contact: Dorothy J. Acosta, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA81

3591. ● EXAMINATIONS

Legal Authority: PL 92-181; 12 USC 2243; 12 USC 2246; 12 USC 2252

CFR Citation: 12 CFR 614.4000; 12 CFR 614.4030; 12 CFR 614.4040; 12 CFR 614.4050; 12 CFR 614.4051; 12 CFR 614.4060

Legal Deadline: None.

Abstract: Review various regulations regarding examination authorities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Nancy Lynch, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA89

FARM CREDIT ADMINISTRATION (FCA)

Proposed Rule Stage

3592. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; PL 99-205; 12 USC 2252(a)(10)

CFR Citation: 12 CFR 602.200 to 602.245; 12 CFR 617.7080; 12 CFR 618.8300 to 618.8350

Legal Deadline: None.

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA05

3593. COMPENSATION OF DISTRICT DIRECTOR BOARD MEMBERS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 611.1031; 12 CFR 611.1020; 12 CFR 611.1021; 12 CFR 611.1022; 12 CFR 611.1030

Legal Deadline: None.

Abstract: Revision being made per order of the Farm Credit Administration Board regarding prior approval of district board directors special

assignments and compensation of district board directors.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44308
NPRM Comment Period End	02/09/87	51 FR 44308

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Nancy E. Lynch, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA09

3594. COOPERATIVE ELIGIBILITY

Legal Authority: PL 92-181; 12 USC 2129; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 613.3110

Legal Deadline: None.

Abstract: Amend eligibility standards for cooperatives, and reference services of cooperatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA11

3595. LOANS OUTSIDE OF BANK'S TERRITORY - BANKS FOR COOPERATIVES

Legal Authority: PL 92-181; PL 96-592; 12 USC 2128; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 614.4080

Legal Deadline: None.

Abstract: Amend international trade financing regulations to eliminate statutory conflict and address the issue of which bank will finance particular international transactions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA13

3596. METHODS OF FINANCING

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 614.4600

Legal Deadline: None.

Abstract: Loan qualification to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA36

3597. OBLIGATIONS ELIGIBLE FOR DISCOUNT OR PURCHASE

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 614.4610

Legal Deadline: None.

Abstract: Loan participations to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA37

3598. OVERALL REVIEW OF 12 CFR PARTS 611 - 618

Legal Authority: 12 USC 2252(a)(10); PL 92-181; 12 USC 2227; 12 USC 2183; 12 USC 2129; 12 USC 2253; 12 USC 2226; 12 USC 2071; 12 USC 2011; PL 99-205

CFR Citation: 12 CFR 611.1010(c); 12 CFR 611.1140; 12 CFR 612.2110; 12 CFR 612.2120(b); 12 CFR 612.2080; 12 CFR 612.2090; 12 CFR 613.3020(c); 12 CFR 613.3040; 12 CFR 613.3110(a)(4); 12 CFR 613.3110(b)(2); 12 CFR 614.4015; 12 CFR 614.4051; 12 CFR 614.4070; 12 CFR 614.4130; 12 CFR 614.4160(c); ...

Legal Deadline: None.

Abstract: Under review by FCA staff to determine whether to recommend the elimination or retention of existing FCA regulatory approval requirements affecting the operations of Farm Credit System institutions or replacement with regulatory guidelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL CFR CITATIONS: 12 CFR 614.4165(f); 12 CFR 614.4190(b); 12 CFR 614.4190(c); 12 CFR 614.4281; 12 CFR 614.4330(a); 12 CFR 614.4354(a)(4); 12 CFR 614.4354(e); 12 CFR 614.4460; 12 CFR 614.4511; 12 CFR 614.4630(a); 12 CFR 614.4630(b); 12 CFR 615.5040; 12 CFR 615.5102; 12 CFR 615.5103; 12 CFR 615.5104; 12 CFR 615.5105; 12 CFR 615.5135; 12 CFR 615.5330(a); 12 CFR 615.5340; 12 CFR 615.5370; 12 CFR 615.5420; 12 CFR 615.5453; 12 CFR 615.5550; 12 CFR 615.5160; 12 CFR 615.5220; 12 CFR 615.5290; 12 CFR 615.5320; 12 CFR

614.4345; 12 CFR 614.4450; 12 CFR 614.4455; 12 CFR 615.5100; 12 CFR 615.5140(a)(15); 12 CFR 613.3045; 12 CFR 614.4080; CFR 614.4120; 12 CFR 614.4210; 12 CFR 614.4220; 12 CFR 614.4261; 12 CFR 614.4334(c); 12 CFR 614.4770; 12 CFR 614.4710; 12 CFR 614.4720; 12 CFR 614.4800; 12 CFR 614.4900; 12 CFR 615.5151; 12 CFR 615.5320(b)(1); 12 CFR 615.5400; 12 CFR 618.8020

Agency Contact: Gary L. Norton, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA48

3599. BANKS FOR COOPERATIVES

Legal Authority: 12 USC 2252(a)(10); PL 92-181; PL 99-205

CFR Citation: 12 CFR 614.4354

Legal Deadline: None.

Abstract: Changes in lending limits for banks for cooperatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA51

3600. PART 614 - LOAN POLICIES AND OPERATIONS SUBPART Q -- BANKS FOR COOPERATIVES FINANCING INTERNATIONAL TRADE

Legal Authority: 12 USC 2128; 12 USC 2252(a)(10); PL 92-181; PL 99-205

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Regulation to define "substantial benefit" as it refers to banks for cooperatives ability to enter into international financing agreements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA52

3601. PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(a)(10); PL 92-181; PL 99-205

CFR Citation: 12 CFR 615.5135; 12 CFR 615.5136; 12 CFR 615.5140; 12 CFR 615.5141; 12 CFR 615.5142; 12 CFR 615.5144; 12 CFR 615.5130

Legal Deadline: None.

Abstract: Amendments to establish detailed criteria for bank investment policies and broaden the types of investment with the more stringent policy criteria.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/85	50 FR 50798
ANPRM Comment Period End	02/10/86	50 FR 50798
NPRM	12/09/86	51 FR 44310
NPRM Comment Period End	01/08/87	51 FR 44310

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA60

3602. FUNDING AND FISCAL AFFAIRS; CAPITAL ADEQUACY

Legal Authority: 12 USC 2154; 12 USC 2243; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 615.5200; 12 CFR 615.5202; 12 CFR 615.5204; 12 CFR 615.5206; 12 CFR 615.5208; 12 CFR 615.5210; 12 CFR 615.5212; 12 CFR 615.5213; 12 CFR 615.5214; 12 CFR 615.5220; 12 CFR 615.5225; 12 CFR 615.5230

Legal Deadline: None.

Abstract: Regulations to ensure adequate capital is maintained by Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26402
NPRM Comment Period End	09/22/86	51 FR 26402

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Gary L. Norton, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA79

3603. ● LOAN POLICIES AND OPERATIONS; BORROWER RIGHTS

Legal Authority: 12 USC 2183; 12 USC 2199; 12 USC 2202; 12 USC 2243; 12 USC 2244; 12 USC 2252(a)(10); PL 99-205; PL 92-181

CFR Citation: 12 CFR 614.4440 to 614.4444

Legal Deadline: None.

Abstract: Revision under consideration regarding the internal procedures of Farm Credit institutions concerning review of denial of loan applications and to permit the designation of an alternate who may perform the credit review committee duties of Board members but who also must be a member of the institution's Board.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson,

Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Nancy Lynch, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052-AA83

3604. ● INTEREST RATES

Legal Authority: PL 92-181; 12 USC 2243; 12 USC 2246; 12 USC 2252

CFR Citation: 12 CFR 614.4270 to 614.4321

Legal Deadline: None.

Abstract: Review various regulations which were affected by the Farm Credit Act Amendments of 1986 relating to competitive interest rates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Nancy Lynch, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052-AA84

3605. ● DISCLOSURE TO SHAREHOLDERS; ACCOUNTING AND REPORTING REQUIREMENTS

Legal Authority: PL 99-205; 12 USC 2252(9); 12 USC 2252(10); 12 USC 2252(a)(9)(10)

CFR Citation: 12 CFR 620; 12 CFR 621

Legal Deadline: None.

Abstract: Revision under consideration relating to required shareholder disclosure, including disclosure of problem loans to senior officers, directors, their immediate family members and affiliated organizations; and also relating to accounting requirements and call reports.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dorothy Acosta, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052-AA86

3606. ● CAPITAL CORPORATION ASSESSMENTS

Legal Authority: PL 99-205

CFR Citation: 12 CFR 611.1142(h)

Legal Deadline: None.

Abstract: Revision regarding the criteria pursuant to which the Farm Credit System Capital Corporation may assess Farm Credit System institutions and require System institutions to purchase the Corporation's capital stock and debt obligations.

Timetable:

Action	Date	FR Cite
NPRM	04/24/87	52 FR 13694

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Gary Norton, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052-AA87

3607. ● CAPITAL ADEQUACY RELATED

Legal Authority: PL 99-205; 12 USC 2252(a)(10); 12 USC 2154; 12 USC 2243

CFR Citation: 12 CFR 614.4270; 12 CFR 614.4280; 12 CFR 614.4320; 12 CFR 614.4330; 12 CFR 615.5320; 12 CFR 615.5330; 12 CFR 615.5335; 12 CFR 615.5340; 12 CFR 615.5350; 12 CFR 615.5360; 12 CFR 615.5370

Legal Deadline: None.

Abstract: Revisions to various regulations relating to capital adequacy and minimal capital requirements for Farm Credit System institutions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Gary Norton, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052-AA88

FARM CREDIT ADMINISTRATION (FCA)

Final Rule Stage

3608. PART 606 - ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FARM CREDIT ADMINISTRATION

Legal Authority: 12 USC 2252(a)(10); PL 92-181; 29 USC 794; PL 99-205

CFR Citation: 12 CFR 606.601-699

Legal Deadline: None.

Abstract: Provide enforcement of section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap, as it applies to the programs or activities conducted by the Farm Credit Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51540
NPRM Comment Period End	02/17/86	50 FR 51540

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITIONAL INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Nancy E. Lynch, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA67

3609. PART 624-FARM CREDIT SYSTEM REGULATORY ACCOUNTING PRACTICES; TEMPORARY REGULATIONS

Legal Authority: PL 99-509; 12 USC 2001; 12 USC 2159; 12 USC 2205; 12 USC 2254; 12 USC 2014; 12 USC 2073; 12 USC 2093; 12 USC 2122

CFR Citation: 12 CFR 624.100; 12 CFR 624.101; 12 CFR 624.102; 12 CFR 624.103; 12 CFR 624.104; 12 CFR 624.110; 12 CFR 624.111; 12 CFR 624.112; 12 CFR 624.113; 12 CFR 624.114

Legal Deadline: None.

Abstract: Utilization of regulatory accounting practices by Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/24/86	52 FR 13428
Begin Review	12/24/86	52 FR 2670
End Review	02/24/87	

Next Action Undetermined

Small Entity: No

Additional Information: FOR ADDITION INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Gary L.Norton, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA82

[FR Doc. 87-21550 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XLVI

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; October 1987

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167; 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item.

The Unified Agenda is published in the **Federal Register** in April and October of each year.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Office of Managing Director, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings.

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB publishes the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "Docket 79-164." When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

William J. Tricarico,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3610	Satellite Communications	3060-AD70
3611	MTS and WATS Market Structure Amendment of Part 67/Establishment of Joint Board	3060-AD89

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3612	Cellular Radio Licensing Procedures for Small Markets	3060-AD38
3613	In the Matter of Revision of Part 21 of the Commission's Rules, CC Docket No. 86-128	3060-AD71
3614	Jurisdictional Separations	3060-AD93
3615	Application of Access Charges with regard to Providers of Enhanced Services	3060-AE01
3616	Deregulation of Certain Basic Services	3060-AE02
3617	Regulatory Policies and International Telecommunications: Notice of Inquiry and Proposed Rulemaking	3060-AE03
3618	Jurisdictional Separations Procedures: Central Office Equipment Category 3, Local Switching Equipment	3060-AE06
3619	Jurisdictional separations procedures: Reconsideration of the decision to exclude access revenues from the allocation of marketing expenses	3060-AE07

FCC

COMMON CARRIER BUREAU—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3620	Jurisdictional Separation Procedures: Petitions for Reconsideration of items in order reflected in the new Part 36 Separation Manual	3060-AE14

COMMON CARRIER BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3621	Jurisdictional Separations Procedures: Central Office Equipment (Circuit Equipment) and Cable and Wire Facilities	3060-AE05

OFFICE OF ENGINEERING AND TECHNOLOGY—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3622	900 MHz G/NG Fixed	3060-AD55

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3623	STI, LAOAD, and LMCC Petitions	3060-AC91
3624	DORCMA/SEIA-REMOTE CONTROL/SECURITY DEVICES	3060-AC96
3625	Public Safety National Plan	3060-AD66
3626	LTTS Reallocation	3060-AD67
3627	Part 15 Review (Auditory Assistance and Iggulton Petitions to be Disposed of Concurrent with this Action)	3060-AD68
3628	900 MHz Reserve Reconsideration	3060-AD91
3629	EIA Petition for Extension of Time for 46/49 MHz	3060-AD95
3630	Reconsideration of Third & Order re 1-40 GHz	3060-AD96
3631	EIA Petition for Cordless Telephone Allocation at 900 MHz	3060-AD97
3632	Alternative Type Acceptance Procedure	3060-AD99

OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3633	Additional Sharing of UHF TV Channels by Private LM Services	3060-AC93

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3634	Technical Deregulation: Part 73: TV	3060-AD58
3635	Section 73.37(e): Petition for Reconsideration	3060-AD63
3636	Foreign Clears: Ct. Remand: Non-Technical Acceptance Criteria	3060-AD72
3637	Broadcast EEO	3060-AD73
3638	FM Technical Clean-up	3060-AD74

FCC

MASS MEDIA BUREAU—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3639	Main Studio Location	3060-AD75
3640	Noncommercial Broadcast: Issues-Programs Lists	3060-AD76
3641	AM Daytimers: Daylight Savings Time	3060-AD77
3642	Radio Multiple Ownership & Cross Ownership Rules	3060-AD78
3643	Satellite Television Stations	3060-AD79
3644	Radio Reading Services	3060-AD80
3645	Broadcast Call Signs	3060-AD81
3646	UHF Impact Policy/Carroll Doctrine	3060-AD83
3647	Daytimers Issues	3060-AD85
3648	AM Expanded Band: Domestic	3060-AD92
3649	Wireless Cameras	3060-AE10
3650	FM Translators: Moody Bible	3060-AE11
3651	FM/TV Directional Antenna	3060-AE12
3652	Channels 14/69 Interference: NOI/NPRM	3060-AE13

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3653	AM: New Look	3060-AD61
3654	FM and TV Boosters	3060-AD82
3655	AM Interference Standards	3060-AD86

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3656	Verification of Parts 73, 74, and Devices	3060-AE00

MASS MEDIA BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3657	Cellular Flexibility	3060-AE15

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3658	External Frequency Controls	3060-AD53
3659	Wireline Common Carriers - Operation of SMRS	3060-AD54
3660	Revision and reorganization of Aviation rules (Part 87)	3060-AE08
3661	Multiple Address Systems	3060-AE09

FCC

PRIVATE RADIO BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3662	Part 90 Review - Subparts M&S incl. ASNA pet., Subpart S Wait List	3060-AD69

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Prerule Stage

3610. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Abstract: The Commission seeks to develop a record & to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies. Will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
ANPRM Comment Period End	11/00/87	
Final Action	06/00/88	
Final Action Effective	08/00/88	

Small Entity: Yes

Agency Contact: Rosalee Gorman or Fern Jarmulnik, Staff Attorney, Federal Communications Commission, 2025 M Street, N.W., Room 6324, Washington, D.C. 20554, **202 634-1624**

RIN: 3060-AD70

3611. MTS AND WATS MARKET STRUCTURE AMENDMENT OF PART 67/ESTABLISHMENT OF JOINT BOARD

Significance: Agency Priority

Legal Authority: 47 USC 410

CFR Citation: 47 CFR 67; 47 CFR 69

Abstract: With the issuance of this Further Notice of Proposed Rulemaking, we initiate a proceeding to examine the effects of (1) subscriber line charges, (2) the federal lifeline assistance program, and (3) our present measures to assist high cost telephone companies on the primary goals of our access charge proceeding. Preserving universal service, promoting economic efficiency, eliminating service pricing discrimination, and deterring uneconomic bypass are the four longstanding goals in our access charge proceeding.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
R&D	00/00/00	

Small Entity: Yes

Additional Information: CC Docket No. 78-72 CC Docket No. 80-286

Agency Contact: Cindy Work, Federal Communications Commission, **202 632-6363**

RIN: 3060-AD89

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Proposed Rule Stage

3612. CELLULAR RADIO LICENSING PROCEDURES FOR SMALL MARKETS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 301; 47 USC 303; 47 USC 307; 47 USC 308; 47 USC 309

CFR Citation: 47 CFR 22.900

Abstract: Modification of licensing procedures for cellular mobile radio systems in smaller markets to make cellular radio service available more rapidly.

Timetable:

Action	Date	FR Cite
R&O	07/18/86	
FNPRM	10/16/86	
R&O	12/00/87	

Small Entity: Yes

Additional Information: cc 85-388

Agency Contact: G. Goldstein, Attorney, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-6450**

RIN: 3060-AD38

FCC—CCB

Proposed Rule Stage

3613. IN THE MATTER OF REVISION OF PART 21 OF THE COMMISSION'S RULES, CC DOCKET NO. 86-128

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r); 47 USC 154(i); 47 USC 303; 47 USC 4; 5 USC 553

CFR Citation: 47 CFR 21

Abstract: Make licensing procedure as efficient as possible for carriers and FCC staff, update and simplify the rules to reflect recent changes in the industry and the introduction of new communication services; and to eliminate those requirements that appear to be no longer necessary. By replacing a two-step licensing process with a one-step licensing process and eliminating unnecessary regulations, the burden on small businesses (applicants) will be substantially reduced, delays in implementing services will be minimized and service will be provided to the public in the most efficient and expeditious manner possible.

Timetable:

Action	Date	FR Cite
ANPRM	04/11/87	
R&O	09/30/87	

Small Entity: Yes

Agency Contact: Geraldine A. Matise, Attorney, Federal Communications Commission, 1919 M Street, N.W., Room 6010, Washington, D.C. 20554, 202 634-1841

RIN: 3060-AD71

3614. ● JURISDICTIONAL SEPARATIONS

Significance: Agency Priority

Legal Authority: 47 USC 410; 47 USC 154(i); 47 USC 154(j); 47 USC 201 to 205; 47 USC 218

CFR Citation: 47 CFR 67; 47 CFR 69

Abstract: This proceeding concerns the allocation between the state and federal jurisdictions of the costs of special access lines (including those used with WATS service) that carry significant amounts of both interstate and intrastate traffic.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Yes

Agency Contact: Claudia Pabo, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C., 202 632-4047

RIN: 3060-AD93

3615. ● APPLICATION OF ACCESS CHARGES WITH REGARD TO PROVIDERS OF ENHANCED SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 201 to 205; 47 USC 218; 47 USC 403

CFR Citation: 47 CFR 69.2; 47 CFR 69.5; 47 CFR 69.105; 47 CFR 69.106; 47 CFR 69.107; 47 CFR 69.108; 47 CFR 69.111; 47 CFR 69.112

Abstract: Enhanced service providers currently have an exemption from interstate access charges. The NPRM proposes to eliminate that exemption and have enhanced service providers pay the same interstate access charges that other service providers pay now.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Yes

Agency Contact: Ruth Milkman, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-6363

RIN: 3060-AE01

3616. ● DEREGULATION OF CERTAIN BASIC SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 303(g); 47 USC 303(r); 47 USC 403; 47 USC 404; 5 USC 553

CFR Citation: 47 CFR 1.48; 47 CFR 1.49; 47 CFR 1.419

Abstract: Proposed reduction of regulation for certain basic services offered by dominant carriers based on a service-by-service analysis of competition. Contract services and packet switched services are targeted for such potential deregulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	
NPRM Comment Period End	04/10/87	
Next Action Undetermined		

Small Entity: Yes

Additional Information: CC Docket 86-421

Agency Contact: Melanie Haratunian, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-4047

RIN: 3060-AE02

3617. ● REGULATORY POLICIES AND INTERNATIONAL TELECOMMUNICATIONS: NOTICE OF INQUIRY AND PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201 to 205; 47 USC 214; 47 USC 218 to 222; 47 USC 301; 47 USC 302

CFR Citation: 47 CFR 63.01; 47 CFR 63.701; 47 CFR 68.226; 47 CFR 63.703; 47 CFR 63.10

Abstract: This Notice of Inquiry and Propose Rulemaking asks whether the public interest requires that the Commission consider the telecommunications policies of foreign governments in the formulation of its regulatory policies concerning the provision of telecommunications services and goods within the United States and the provision of services between the United States and foreign countries. The Notice proposes certain information gathering measures designed to increase the Commission's knowledge of the extent of participation in the US market by foreign companies and service providers.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	
NPRM Comment Period End	05/22/87	
Next Action Undetermined		

Small Entity: Yes

Agency Contact: William Kirsch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-4047

RIN: 3060-AE03

FCC—CCB

Proposed Rule Stage

3618. ● JURISDICTIONAL SEPARATIONS PROCEDURES: CENTRAL OFFICE EQUIPMENT CATEGORY 3, LOCAL SWITCHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 47 USC 221 (C); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36

Abstract: With the issuance of this Order inviting comments and requests for Data we are seeking further comments on the development of other relative use allocators, including Switched Minutes of Use (SMOU) to allocate Central Office Equipment investment included in the Local Switching Equipment Category in the Part 36 Separations Manual.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
R&O	05/01/87	52 FR 17228
NPRM	02/00/88	
Joint Board		
Recommended Decision and Order	04/08/87	(52 FR 15354)
Request for Data (Joint Board)		
Order Inviting Comments	06/26/87	

Small Entity: Yes

Additional Information: CC Docket 286

Agency Contact: Michael Wilson, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060-AE06

3619. ● JURISDICTIONAL SEPARATIONS PROCEDURES: RECONSIDERATION OF THE DECISION TO EXCLUDE ACCESS REVENUES FROM THE ALLOCATION OF MARKETING EXPENSES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Abstract: With the issuance of this order we are addressing the petitions for reconsideration filed by parties urging the FCC to reconsider its decision to exclude access revenues from the allocation factor for marketing expenses. We also are initiating a further proceeding to re-examine the separations treatment of marketing expenses.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
R&O	05/01/87	52 FR 17228
ANPRM	02/00/88	
(RD&O) (Joint Board)		
Recommended Decision and Order	04/08/87	(52 FR 15354)
Recon. & Supp. NPRM		
MO&O	09/00/87	

Small Entity: Yes

Additional Information: CC Docket 78-72 CC Docket 80-286 CC Docket 86-297

Agency Contact: Michael Wilson, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060-AE07

3620. ● JURISDICTIONAL SEPARATION PROCEDURES: PETITIONS FOR RECONSIDERATION OF ITEMS IN ORDER REFLECTED IN THE NEW PART 36 SEPARATION MANUAL

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Abstract: With the issuance of this order we are addressing the petitions for reconsideration of the FCC Report and Order released May 1, 1987. The FCC Order adopted the Federal State Joint Board's recommendations regarding the jurisdictional separations treatment of revenue accounting expenses in account 662 and procedures prescribed in the new Separations Manual which will conform to the new USOA.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
R&O	05/01/87	52 FR 17228
MO&O	12/00/87	

Small Entity: Yes

Additional Information: CC Docket No. 78-72 CC Docket No. 80-286 CC Docket No. 86-297

Agency Contact: Michael Wilson, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060-AE14

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Final Rule Stage

3621. ● JURISDICTIONAL SEPARATIONS PROCEDURES: CENTRAL OFFICE EQUIPMENT (CIRCUIT EQUIPMENT) AND CABLE AND WIRE FACILITIES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36

Abstract: With the issuance of this Order inviting comments and requests for data we are seeking comments on the appropriate subcategorization and allocation of Central Office Equipment (Circuit Equipment) Investment and Cable & Wire Facilities investment. We will use the data to calculate the effects of alternative allocators and examine the need for changes in the jurisdictional separations procedures for this investment.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
Recommended Decision and Order	04/08/87	52 FR 15354
R&O	09/01/87	52 FR 17228
& Request for Data (Joint Board)		
Order Inviting Comments	09/00/87	

Small Entity: Yes

Additional Information: CC Docket No. 80-286

Agency Contact: Michael Wilson, Federal Communications Commission,

FCC—CCB — Final Rule Stage

1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060-AE05

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY — Prerule Stage

3622. 900 MHZ G/NG FIXED

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 74; 47 CFR 94

Abstract: Development of operating rules and sharing arrangement for use of the 932-935 and 941-943 MHz bands for G/NG fixed services.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	
R&O	03/31/88	

Small Entity: Yes

Additional Information: 82-243

Agency Contact: Rodney Small, Federal Communications Commission, 2025 M St., NW, Rm. 7332, Washington, DC 20554, **202 653-8116**

RIN: 3060-AD55

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY — Proposed Rule Stage

3623. STI, LAOAD, AND LMCC PETITIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 90; 47 CFR 97

Abstract: STI Petition requests allocation of 216-222 MHz for NB land mobile operations; LAOAD Petition requests NB use of 216-220 MHz; and LMCC Petition requests NB use of 220-225 MHz.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	
NPRM	12/31/86	
R&O	03/31/88	

Small Entity: Yes

Additional Information: RM-4831, RM-4983, RM-4829

Agency Contact: Fred Thomas, Federal Communications Commission, 2025 M St., N.W., Rm. 7320, Washington, D.C. 20554, **202 653-8112**

RIN: 3060-AC91

3624. DORCMA/SEIA-REMOTE CONTROL/SECURITY DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: Review and overhaul of technical standards for remote control and security devices in Part 15. Initiated by petitions for rulemaking filed by Door Operator and Remote Control Manufactures association, the Security Equipment Industry Association, and Transcience Industries.

Timetable:

Action	Date	FR Cite
NPRM	10/22/86	
R&O	12/31/87	

Small Entity: Yes

Additional Information: RM-4637 and RM-4813

Agency Contact: John Reed, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-7313**

RIN: 3060-AC96

3625. PUBLIC SAFETY NATIONAL PLAN

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: Phase III of a project to meet spectrum allocation needs of the public safety community.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	
R&O	12/31/87	

Small Entity: Yes

Agency Contact: Larry Petak, Federal Communications Commission, 2025 M Street, N.W., Room 7130, Washington, D.C. 20554, **202 632-7025**

RIN: 3060-AD66

3626. LTTS REALLOCATION

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 74

Abstract: Response to petition from Chadborne and Parke requesting secondary allocation of frequencies to the local transmission service.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	
R&O	12/00/87	

Small Entity: Yes

Additional Information: RM-5321

Agency Contact: Ray LaForge, Federal Communications Commission, 2025 M Street, N.W., Room 7328, Washington, D.C. 20554, **202 653-8108**

RIN: 3060-AD67

3627. PART 15 REVIEW (AUDITORY ASSISTANCE AND IGGULTON PETITIONS TO BE DISPOSED OF CONCURRENT WITH THIS ACTION)

Significance: Agency Priority

FCC—OET

Proposed Rule Stage

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Abstract: Revision of Part 15 of the rules to open up consumer bands and re-establish emission limits based on interference potential.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
R&O	06/30/88	

Small Entity: Yes

Agency Contact: John Reed, Federal Communications Commission, 2025 M Street, N.W., Room 7122, Washington, D.C. 20554, 202 653-7313

RIN: 3060-AD68

3628. ● 900 MHZ RESERVE RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 2

Abstract: In this MO&O, the Commission will address eight petitions for reconsideration of frequency allocations made in the R&O in this proceeding. Principal issues are: (1) a request to allocate an additional 2 MHz to public safety, (2) a request to reallocate the general purpose mobile radio service instead to private land mobile, and (3) a request from aeronautical interests to delete the L-band allocation for mobile-satellite service and retain the band exclusively for aeronautical mobile-satellite (R) service.

Timetable:

Action	Date	FR Cite
MO&O	09/30/97	

Small Entity: Yes

Additional Information: 84-1231, 84-1233, and 84-1234

Agency Contact: Julie Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060-AD91

3629. ● EIA PETITION FOR EXTENSION OF TIME FOR 46/49 MHZ

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 15

Abstract: The Electronic Industry Association has requested an extension of time from February 1989 to February 1994 to continue manufacture of cordless telephones on government frequencies at 46/49 MHz under Part 15.

Timetable:

Action	Date	FR Cite
R&O	09/30/87	

Small Entity: Yes

Additional Information: RM-5320

Agency Contact: Julie Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060-AD95

3630. ● RECONSIDERATION OF THIRD & ORDER RE 1-40 GHZ

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 21; 47 CFR 74; 47 CFR 94

Abstract: This MO&O responds to seven petitions for reconsideration of decisions made in the Commission's Third Report & Order in this proceeding. Key issues are : (1) request to limit or reverse decision to permit cable interests to utilize the 1.9 & 6.8 GHz auxiliary broadcast bands, (2) request that Commission take steps to facilitate improved frequency coordination at 6.4 GHz, and (3) requests to modify minimum path length requirements.

Timetable:

Action	Date	FR Cite
MO&O	09/30/87	

Small Entity: Yes

Additional Information: 82-334

Agency Contact: Julie Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060-AD96

3631. ● EIA PETITION FOR CORDLESS TELEPHONE ALLOCATION AT 900 MHZ

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 2

Abstract: The Electronic Industries Association has petitioned the Commission seeking an allocation of 4 MHz for cordless telephones in the 800/900 MHz land mobile reserve.

Timetable:

Action	Date	FR Cite
R&O	09/30/87	

Small Entity: Yes

Additional Information: RM-4780

Agency Contact: Julie Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060-AD97

3632. ● ALTERNATIVE TYPE ACCEPTANCE PROCEDURE

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Abstract: That proceeding in Docket No. 85-171 proposed a new technique that would allow maximum flexibility in getting innovative new equipment designs into the marketplace. This proposal will be a new approach to solve some of the technical and administrative problems identified in Docket 85-171.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
R&O	06/30/88	

Small Entity: Yes

Additional Information: 85-171

Agency Contact: Ken Nichols, Federal Communications Commission, 7435 Oakland Mills Road, Guilford, MD 21045, 301 725-1585

RIN: 3060-AD99

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Completed Actions

3633. ADDITIONAL SHARING OF UHF TV CHANNELS BY PRIVATE LM SERVICES

Significance: Agency Priority

CFR Citation: 47 CFR 2; 47 CFR 90

Completed:

Reason	Date	FR Cite
Withdrawn	03/12/87	

Small Entity: Yes

Agency Contact: Julius Knapp 202 653-8108

RIN: 3060-AC93

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Proposed Rule Stage

3634. TECHNICAL DEREGULATION: PART 73: TV

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Abstract: This item examines all of the technical TV broadcast rules for deregulation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
R&O	00/00/00	

Small Entity: Yes

Agency Contact: Mike Lewis, Federal Communications Commission, **202 632-9660**

RIN: 3060-AD58

3635. SECTION 73.37(E): PETITION FOR RECONSIDERATION

Legal Authority: 47 USC 307

CFR Citation: 47 CFR 73.37(e)

Abstract: On October 31, 1985, the Commission adopted a Report and Order deleting the non-technical AM application acceptance criteria in Section 73.37(e) of the Commission's Rules. Reconsideration Requested.11

Timetable:

Action	Date	FR Cite
NPRM	02/13/85	
R&O	10/31/85	
MO&O	00/00/00	

Small Entity: Yes

Additional Information: mm-077 NPRM mm-85-39 R&O

Agency Contact: Jonathan David, Federal Communications Commission, **202 632-6955**

RIN: 3060-AD63

3636. FOREIGN CLEARS: CT. REMAND: NON-TECHNICAL ACCEPTANCE CRITERIA

Significance: Agency Priority

Legal Authority: 47 USC 307

CFR Citation: 47 CFR 73 3571

Abstract: Remand from the Court of Appeals of Commission decision regarding new stations to be established on Foreign Class I-A AM clear channels.

Timetable:

Action	Date	FR Cite
R&O	04/26/85	
MO&O	02/03/86	
FNPRM	07/28/87	
2nd R&O	03/00/88	

Small Entity: Yes

Additional Information: mm-84-281 mm-84-281(a)

Agency Contact: Jonathan David, Federal Communications Commission, **202 632-6955**

RIN: 3060-AD72

3637. BROADCAST EEO

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Abstract: The Commission will consider amending its rules and procedures regarding equal opportunities for employment in the broadcast industry. In particular, the Commission will consider new EEO reporting requirements in response to OMB's disapproval of the existing forms and their associated guidelines

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	
Interim Final Rule	10/31/86	
R&O	04/16/87	
MO&O	12/31/87	

Small Entity: Yes

Additional Information: mmb-298 NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, **202 632-6302**

RIN: 3060-AD73

3638. FM TECHNICAL CLEAN-UP

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.211; 47 CFR 73.206; 47 CFR 73.207; 47 CFR 73.213

Abstract: This rule making proceeding addresses FM station coverage prediction; intermediate frequency taboos; distance computations; and grandfathered short spaced facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/03/86	
R&O	12/31/87	

Small Entity: Yes

Additional Information: mmb-311 NPRM

Agency Contact: Michael Lewis, Federal Communications Commission, **202 632-9660**

RIN: 3060-AD74

3639. MAIN STUDIO LOCATION

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 73.1125; 47 CFR 73.1130

Abstract: The Commission will consider whether to revise or eliminate the main studio and programming origination requirements of the Rules.

Timetable:

Action	Date	FR Cite
NPRM	10/16/86	
R&O	04/16/87	
MO&O	12/31/87	

Small Entity: Yes

Additional Information: mmb-410 NPRM mmb-86-406

Agency Contact: Eileen Huggard, Federal Communications Commission, 202 632-7792

RIN: 3060-AD75

3640. NONCOMMERCIAL BROADCAST: ISSUES-PROGRAMS LISTS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.3527

Abstract: The Commission will consider adopting a Report and Order to conform noncommercial stations issues/programs list public file requirement with that applicable to commercial stations.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	
R&O	12/00/87	

Small Entity: Yes

Additional Information: mm-83-670(b) mmb-418 NPRM

Agency Contact: Barbara A. Kreisman, Federal Communications Commission, 202 632-7792

RIN: 3060-AD76

3641. AM DAYTIMERS: DAYLIGHT SAVINGS TIME

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 307(b)

CFR Citation: 47 CFR 73.99

Abstract: The Commission will consider whether to allow AM daytime-only stations to begin pre-sunrise operation at 6:00 a.m. for the month of April. This proceeding was initiated as a result of the enactment of legislation changing the beginning of Daylight Savings Time from the fourth to the first Sunday in April.

Timetable:

Action	Date	FR Cite
NPRM	01/06/87	
R&O	12/00/87	

Small Entity: Yes

Agency Contact: Lou Stephens, Federal Communications Commission, 202 632-6955

RIN: 3060-AD77

3642. RADIO MULTIPLE OWNERSHIP & CROSS OWNERSHIP RULES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.3555

Abstract: The Commission has proposed to relax a portion of the "duoploy" rule as it applies to AM and FM station ownership. The Commission also has proposed to relax a section of the one-to-a-market" rule to permit combinations of AM, FM, and UHF television stations in the top fifty markets. Under the proposed rule, common ownership of radio-television combinations would be considered on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
R&O	12/31/87	

Small Entity: Yes

Additional Information: mmb-414 NPRM

Agency Contact: Andrew J. Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060-AD78

3643. SATELLITE TELEVISION STATIONS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.614

Abstract: The FCC proposes to: (1) eliminate authorization of satellites in urban areas of larger markets, allowing them only in rural areas that cannot economically support a full service operation; and (2) either remove restrictions limiting locally originated programming or, in the alternative, establishing a cap on the amount of programming originated once satellite operation has been justified. Also, the FCC seeks comment as to how urban and rural areas should be defined.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
R&O	12/31/87	

Small Entity: Yes

Additional Information: mmb-421 NPRM

Agency Contact: Barbara A. Kreisman, Federal Communications Commission, 202 632-7792

RIN: 3060-AD79

3644. RADIO READING SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 73.593

Abstract: In this proceeding the Commission seeks comments on appropriate costs to be imposed by noncommercial educational radio stations for radio reading services for the visually impaired.

Timetable:

Action	Date	FR Cite
NPRM	01/16/87	
Policy Statement	12/31/87	

Small Entity: Yes

Additional Information: RM-5434(PRB) RM-5509 NOI

Agency Contact: Freda Lippert Thyden, Federal Communications Commission, 202 632-7792

RIN: 3060-AD80

3645. BROADCAST CALL SIGNS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.3550

Abstract: This proceeding examines the Commission's rules concerning assignment of call letters to broadcast stations.

FCC—MMB **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	
R&O	00/00/00	

Small Entity: Yes

Additional Information: mmb-424 NPRM

Agency Contact: Sharon Briley, Federal Communications Commission, 202 632-6302

RIN: 3060-AD81

3646. UHF IMPACT POLICY/CARROLL DOCTRINE

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 308(b)

CFR Citation: 47 CFR 73

Abstract: A study to re-examine the court's decision re Carroll Broadcasting Company vs. FCC, which held that the Commission, upon a proper showing should determine whether the economic effect of a new station would result in a net loss of service to an extent inconsistent with the public interest. The Commission will also re-examine its UHF impact policy, which essentially protects UHF television stations from adverse economic competition.

Timetable:

Action	Date	FR Cite
NOI	03/26/87	
MO&O	12/00/87	

Small Entity: Yes

Agency Contact: Judith Herman, Federal Communications Commission, 202 632-6302

RIN: 3060-AD83

3647. DAYTIMERS ISSUES

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 307(b)

CFR Citation: 47 CFR 73.21

Abstract: The Commission will consider a proposal to provide nighttime operation for existing daytime-only stations and to end the licensing of new daytime-only stations.

Timetable:

Action	Date	FR Cite
NPRM	04/29/87	
R&O	12/00/87	

Small Entity: Yes

Agency Contact: Lou Stephens, Federal Communications Commission, 202 632-6955

RIN: 3060-AD85

3648. ● AM EXPANDED BAND: DOMESTIC

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Abstract: Inquiry into domestic issues resulting from expansion of the Am broadcasting band.

Timetable:

Action	Date	FR Cite
NOI	12/31/87	
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Freda Thyden, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7792

RIN: 3060-AD92

3649. ● WIRELESS CAMERAS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.602; 47 CFR 74.604; 47 CFR 74.636; 47 CFR 74.637; 47 CFR 74.802

Abstract: Proposal to permit low power wireless cameras to operate on vacant UHF and VHF TV channels.

Timetable:

Action	Date	FR Cite
FNPRM	05/04/87	
R&O	12/31/87	

Small Entity: Yes

Additional Information: MM-85-36(a)

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-8660

RIN: 3060-AE10

3650. ● FM TRANSLATORS: MOODY BIBLE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.1231

Abstract: This proceeding addresses the possible use of satellite and microwave facilities to deliver signals to noncommercial FM translators that are owned and operated by the primary noncommercial FM stations.

Timetable:

Action	Date	FR Cite
NPRM	04/03/86	
R&O	12/31/87	

Small Entity: Yes

Additional Information: mmb-311 RM-5219

Agency Contact: Eugenia R. Hull, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-6302

RIN: 3060-AE11

3651. ● FM/TV DIRECTIONAL ANTENNA

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.316; 47 CFR 73.211

Abstract: Proposal for routine use of directional antennas to accommodate short-spaced transmitter/antenna locations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
R&O	00/00/00	

Small Entity: Yes

Agency Contact: Bill Ericson, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-9660

RIN: 3060-AE12

3652. ● CHANNELS 14/69 INTERFERENCE: NOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 304

CFR Citation: 47 CFR 73

Abstract: On its own motion, the Commission will consider initiation of a

FCC—MMB

Proposed Rule Stage

rule making proceeding addressing in a comprehensive manner the interference problems caused by the positioning of television Channels 14 and 69 immediately adjacent to frequencies that have been allocated to land mobile operations.

Timetable:

Action	Date	FR Cite
NOI/NPRM	12/00/87	
R&O	00/00/00	

Small Entity: Yes

Agency Contact: Louis Whitsett, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7792

RIN: 3060-AE13

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Completed Actions

3653. AM: NEW LOOK

CFR Citation: 47 CFR 73, Subpart A

Completed:

Reason	Date	FR Cite
Withdrawn	09/01/87	

Small Entity: Yes

Agency Contact: Wilson LaFollette 202 632-5414

RIN: 3060-AD61

3654. FM AND TV BOOSTERS

Significance: Agency Priority

CFR Citation: 47 CFR 74.1231; 47 CFR 74.1232; 47 CFR 74.2135; 47 CFR 74.1236

Completed:

Reason	Date	FR Cite
Final Action	07/16/87	

Small Entity: Yes

Agency Contact: Marcia Glauberman 202 632-6302

RIN: 3060-AD82

3655. AM INTERFERENCE STANDARDS

Significance: Agency Priority

CFR Citation: 47 CFR 73.182

Completed:

Reason	Date	FR Cite
Withdrawn	09/01/87	

Small Entity: Yes

Agency Contact: Wilson LaFollette 202 632-5414

RIN: 3060-AD86

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Proposed Rule Stage

3656. ● VERIFICATION OF PARTS 73, 74, AND DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 73; 47 CFR 74; 47 CFR 78

Abstract: Proposal for relaxation of the rules to change the equipment authorization procedure for certain devices subject to Parts 73, 74, and 78 from notification to the less burdensome verification procedure.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
R&O	06/30/88	

Small Entity: Yes

Agency Contact: Paul Marrangoni, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8107

RIN: 3060-AE00

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Final Rule Stage

3657. ● CELLULAR FLEXIBILITY

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22

Abstract: Proceeding will investigate approach to relax technical standards for new cellular spectrum at 800 MHZ in order to provide flexibility to licensees for implementation of new technologies and new service offerings.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
R&O	09/30/88	

Small Entity: Yes

Additional Information: 84-1231

Agency Contact: Julie Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060-AE15

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Proposed Rule Stage

3658. EXTERNAL FREQUENCY CONTROLS

Legal Authority: 47 USC 4(i); 47 USC 303(c); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r); 47 USC 332

CFR Citation: 47 CFR 90.203

Abstract: The FCC has proposed, on its own motion, to restrict the operation of radio equipment with external frequency selection capability on frequencies above 25 MHz allocated to the Private Land Mobile Radio Services.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/86	51 FR 6149
NPRM	01/30/86	51 FR 6149
Interim Final Rule	02/20/86	
NPRM Comment Period End	07/21/86	
FNPRM	04/29/87	52 FR 18935
R&O	12/00/87	

Small Entity: Yes

Agency Contact: Rockie Patterson, Federal Communications Commission, 202 634-6497

RIN: 3060-AD53

3659. WIRELINE COMMON CARRIERS - OPERATION OF SMRS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC has proposed amending Subparts M & S of Part 90 of its rules governing private land mobile radio to permit wireline common carriers to be eligible to apply for a license in the Specialized Mobile Radio Service.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 2910
NPRM Comment Period End	07/03/86	
R&O	07/00/88	

Small Entity: Yes

Agency Contact: Nia Cresham, Federal Communications Commission, 202 634-2443

RIN: 3060-AD54

3660. ● REVISION AND REORGANIZATION OF AVIATION RULES (PART 87)

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 87

Abstract: NPRM proposes to reorganize and revise the rules for the aviation services. Includes proposals regarding aeronautical advisor stations, making greater use of 25 and 50 MHz channels, and licensing of Civil Air Patrol.

Timetable:

Action	Date	FR Cite
NPRM	06/10/87	52 FR 26360
NPRM Comment Period End	10/21/87	
R&O	06/00/88	

Small Entity: Yes

Agency Contact: M. Cesaitis, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7175

RIN: 3060-AE08

3661. ● MULTIPLE ADDRESS SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 94

Abstract: The FCC has proposed to re-examine rules and policies governing 900 MHz multiple address system (MAS) operations. A number of rule sections are proposed for revision and clarification.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 4161
NPRM Comment Period End	04/07/87	
R&O	03/00/88	

Small Entity: Yes

Agency Contact: Herb Zeiler/Molly Nichols, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 634-2443

RIN: 3060-AE09

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Final Rule Stage

3662. PART 90 REVIEW - SUBPARTS M&S INCL. ASNA PET., SUBPART S WAIT LIST

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.364; 47 CFR 90.627

Abstract: NPRM proposes to permit greater flexibility and enhanced service options for SMR licensees and end users. Includes proposals regarding loading standards, waiting list procedures and eligibility requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/86	51 FR 45025
ANPRM Comment Period End	02/20/87	
NPRM	04/03/87	
R&O	12/00/87	

Small Entity: Yes

Agency Contact: Nia Cresham, Federal Communications Commission, 202 634-2443

RIN: 3060-AD69

[FR Doc. 87-21551 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26 1987

Part XLVII

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the October 1987 Regulatory Agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Interested persons may petition the FDIC for the issuance, amendment or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

Prerule Stage

Sequence Number	Title		Regulation Identifier Number
3663	12 CFR 335	Securities of Insured Nonmember Banks	3064-AA45
3664	12 CFR 308	Rules of Practice and Procedures: Subpart B -- Rules of Practice Generally	3064-AA64
3665	12 CFR 309	Disclosure of Information	3064-AA65
3666	12 CFR 311	Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
3667	12 CFR 330	Clarification and Definition of Deposit Insurance Coverage	3064-AA68
3668	12 CFR 346	Foreign Banks	3064-AA78

Proposed Rule Stage

Sequence Number	Title		Regulation Identifier Number
3669	12 CFR 344	Securities Recordkeeping and Confirmations	3064-AA30
3670	12 CFR 338	Fair Housing	3064-AA81

Final Rule Stage

Sequence Number	Title		Regulation Identifier Number
3671	12 CFR 350	Disclosure of Financial and Other Information by FDIC Insured State Nonmember Banks	3064-AA83
3672	12 CFR 337	Unsafe and Unsound Banking Practices	3064-AA80
3673	12 CFR 332	Powers Inconsistent with Purposes of Federal Deposit Insurance Law	3064-AA29
3674	12 CFR 325	Capital Maintenance	3064-AA82

FDIC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3675	12 CFR 303 Delegations of Authority	3064-AA84
3676	12 CFR 346 Foreign Banks	3064-AA85
3677	12 CFR 310 Privacy Act Regulations	3064-AA86
3678	12 CFR 309 Disclosure of Information	3064-AA79

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Prerule Stage

3663. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Legal Deadline: None.

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The staff will likely propose such conforming amendments for public comment following rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
Waiting SEC Rulemaking Action	00/00/00	

Small Entity: No

Agency Contact: Lawrence H. Pierce, Securities Activities Officer, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6885**

RIN: 3064-AA45

3664. RULES OF PRACTICE AND PROCEDURES: SUBPART B -- RULES OF PRACTICE GENERALLY

Legal Authority: 5 USC 504; 12 USC 1819; 12 USC 1972; 15 USC 78w

CFR Citation: 12 CFR 308

Legal Deadline: None.

Abstract: Subpart B to Part 308 prescribes rules of practice and procedures followed by the FDIC in hearings pursuant to the provisions of the Federal Deposit Insurance Act or other applicable law pertaining to involuntary termination of the insured status of any bank; issuance of cease-and-desist orders against any nonmember bank or its official; assessment of civil penalties against a bank or its official; issuance of orders that remove or suspend from office a director or officer of an insured nonmember bank; disapproval of a proposed acquisition of control of an insured nonmember bank; and imposition of sanctions upon a municipal securities dealer or a person associated with such a dealer.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Eugene A. Miller, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3705**

RIN: 3064-AA64

3665. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819

CFR Citation: 12 CFR 309

Legal Deadline: None.

Abstract: Part 309 sets forth the basic policies of the FDIC regarding the information it maintains and the procedures for obtaining access to such information.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: James R. Dudine, Chief, Special Activities Section, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6750**

RIN: 3064-AA65

3666. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819

CFR Citation: 12 CFR 311

Legal Deadline: None.

Abstract: Part 311 implements the policy of the "Government in the Sunshine Act," section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the FDIC, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Hoyle L. Robinson, Executive Secretary, Federal Deposit

FDIC **Prerule Stage**

Insurance Corporation, Washington, DC 20429, **202 898-3813**

RIN: 3064-AA66

3667. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None.

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Via, Jr., Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3733**

RIN: 3064-AA68

3668. ● FOREIGN BANKS

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1819; 12 USC 1820; 12 USC 3103; 12 USC 3104; 12 USC 3108

CFR Citation: 12 CFR 346

Legal Deadline: None.

Abstract: Part 346 sets out the rules governing FDIC-insured branches of foreign banks. It implements the insurance provisions of section 6 of the International Banking Act of 1978 (12 USC 3104). The rules relate to: policy regarding the operation of insured and noninsured branches by a foreign bank; pledge of assets; and asset maintenance.

This regulation has been selected for review under FDIC's Regulation Review Program for 1987, and action has been initiated which will result in a comprehensive review of Part 346 for the purpose of revising, simplifying, and for clarifying the regulation where appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	06/02/87	
End Review	12/00/87	

Small Entity: No

Agency Contact: Charles V. Collier, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6850**

RIN: 3064-AA78

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) Proposed Rule Stage

3669. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Legal Deadline: None.

Abstract: The FDIC expects to propose an amendment to 12 CFR Part 344, which governs an insured nonmember bank's recordkeeping and confirmation requirements for securities transactions. The proposed amendment would expand an existing exception under Part 344 for low activity. The exception would be increased to allow banks which effect an average of fewer than 1,000 securities transactions per year to be exempt from certain recordkeeping and written policymaking requirements. The current "low-activity" threshold is 200 transactions per year. The amendment is needed to eliminate unnecessary paperwork burden and is intended to reduce the impact of FDIC's regulation on insured nonmember banks that engage in a low number of securities transactions per year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: John F. Harvey, Chief, Review Unit, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6762**

RIN: 3064-AA30

3670. ● FAIR HOUSING

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820; 15 USC 1691 et seq; 42 USC 3605; 42 USC 3608

CFR Citation: 12 CFR 338

Legal Deadline: None.

Abstract: The FDIC has proposed amending its fair housing regulation, 12 CFR Part 338, which applies to insured state nonmember banks. The proposed amendment would eliminate home-equity loans, as well as home improvement, maintenance and repair loans from the data-gathering requirement. Accordingly, the data-gathering requirement would then only apply to home purchase, construction and refinancing loans. The FDIC believes that the proposed amendment would reduce the paperwork burden on the banking industry without impairing enforcement of fair housing lending laws.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 30928
NPRM Comment Period End	10/19/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Patricia A. McCormick, Fair Lending Analyst, Office of Consumer Affairs, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3538**

RIN: 3064-AA81

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Final Rule Stage

3671. ● DISCLOSURE OF FINANCIAL AND OTHER INFORMATION BY FDIC INSURED STATE NONMEMBER BANKS

Legal Authority: 12 USC 1817; 12 USC 1819

CFR Citation: 12 CFR 350

Legal Deadline: None.

Abstract: The FDIC has proposed a new regulation that would require state-chartered FDIC insured commercial and savings banks that are not members of the Federal Reserve System ("insured state nonmember banks") to provide basic information about themselves to shareholders, borrowers, depositors and others to whom they offer banking services. A disclosure statement would be required by February 15, or March 1 for banks with foreign offices, each year and would include pertinent financial data for the previous two years and, at the option of the bank, a management discussion and analysis section.

Timetable:

Action	Date	FR Cite
NPRM	06/23/87	52 FR 23554
NPRM Comment Period End	08/24/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: William P. Carley, Planning and Program Development Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6903**

RIN: 3064-AA83

3672. ● UNSAFE AND UNSOUND BANKING PRACTICES

Legal Authority: 12 USC 1819; 12 USC 1828; PL 97-320, Sec 442

CFR Citation: 12 CFR 337

Legal Deadline: None.

Abstract: On June 16, 1986, the Board of Directors of the FDIC granted the request of several petitioners that the FDIC reconsider the provisions of FDIC's rule governing securities subsidiaries and affiliates of insured nonmember banks which deal with the use of a common name or logo and separate offices. A request for comment on whether or not these provisions should be retained, modified, or eliminated was published at 51 FR 29657, August 20, 1986. A subsequent proposed rule was published for comment on April 9, 1987. Insured nonmember banks that prior to December 28, 1984, became affiliated with a securities company, or prior to that date established or acquired a subsidiary that engages in securities activities, were required to comply with the common name or logo and separate office restrictions of the regulation by June 30, 1987. On June 17,1987, the FDIC extended the compliance deadline until October 15,1987, in order to provide staff further time to consider the comments on the proposed rule. See 52 FR 23543, June 23, 1987.

Timetable:

Action	Date	FR Cite
NPRM	04/09/87	52 FR 11492
NPRM Comment Period End	05/11/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Pamela E. F. LeCren, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3743**

RIN: 3064-AA80

3673. POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Legal Authority: 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1821(f); 12 USC 1828(j)(2)

CFR Citation: 12 CFR 332

Legal Deadline: None.

Abstract: The FDIC has proposed amending Part 332 of its regulations governing "Powers Inconsistent with the Purposes of Federal Deposit Insurance Law." The proposed amendment would, among other things, prohibit insured banks, subject to certain exceptions, from directly engaging in real estate development and insurance underwriting activities and establish certain restrictions on the indirect conduct of such activities.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/83	48 FR 40900
ANPRM Comment Period End	11/14/83	48 FR 40900
NPRM	12/13/84	49 FR 48552
NPRM Comment Period End	02/11/85	49 FR 48552
NPRM- Revised	06/07/85	50 FR 23964
Revised NPRM Comment Period Begin	06/07/85	50 FR 23964
Revised NPRM Comment Period End	07/22/85	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Pamela E. F. LeCren, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3743**

RIN: 3064-AA29

3674. ● CAPITAL MAINTENANCE

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 325

Legal Deadline: None.

Abstract: The FDIC is amending its capital regulation by revising the definitions of the terms "assets classified loss," "subordinated note or debenture" and "total assets." The amendments also would allow the FDIC to include in primary and secondary capital any capital instrument or account that has the characteristics of capital. Also included is a safety and soundness test regarding the terms and conditions affecting capital instruments. Finally, limits are set on when the FDIC may deny mergers solely because a capital deficiency would exist in the resulting entity.

Timetable:

Action	Date	FR Cite
NPRM	04/10/87	52 FR 11660
NPRM Comment Period End	06/09/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Robert F. Storch, Planning and Program Development Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6903**

RIN: 3064-AA82

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Completed Actions

3675. ● DELEGATIONS OF AUTHORITY

Legal Authority: 5 USC 504; 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1972; 15 USC 78w; 15 USC 1607

CFR Citation: 12 CFR 303; 12 CFR 308

Legal Deadline: None.

Abstract: The FDIC has amended its regulations (12 CFR Parts 303 and 308) to redelegate authority to act on those applications and administrative enforcement matters formerly exercised by the Board of Review to officials in the FDIC's Division of Bank Supervision. The amendments also delegate additional authority to act on certain applications and administrative enforcement matters to officials within the Division of Bank Supervision.

Timetable:

Action	Date	FR Cite
Final Action	09/21/87	52 FR 35396
Final Action Effective	09/21/87	

Small Entity: No

Agency Contact: Alan J. Kaplan, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3734

RIN: 3064-AA84

3676. ● FOREIGN BANKS

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1819; 12 USC 1820; 12 USC 3103; 12 USC 3104; 12 USC 3108

CFR Citation: 12 CFR 346

Legal Deadline: None.

Abstract: The FDIC amended its regulations governing FDIC-insured United States branches of foreign banks to permit those branches to pledge obligations of the African Development Bank as collateral to meet FDIC insurance requirements. In the event the FDIC is required to pay the insured deposits of an insured United States branch of a foreign bank, the pledged assets would become the property of the FDIC to be used to the extent necessary to protect the FDIC's deposit insurance fund.

Timetable:

Action	Date	FR Cite
Final Action	09/10/87	52 FR 34209
Final Action Effective	09/10/87	

Small Entity: No

Agency Contact: Joseph Duffy, Senior Financial Analyst, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6821

RIN: 3064-AA85

3677. ● PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 552a

CFR Citation: 12 CFR 310

Legal Deadline: None.

Abstract: The FDIC amended its regulations implementing the Privacy Act of 1974 so that appeals of adverse agency determinations on requests for access to or amendment of records will be considered by the FDIC's General Counsel (or designee). In addition, the FDIC removed its "Legal Compliance and Enforcement Records" system from the list of systems of records exempt by regulation from certain provisions of the Privacy Act because the system itself has become obsolete.

Timetable:

Action	Date	FR Cite
Final Action	09/10/87	52 FR 34208
Final Action Effective	09/10/87	

Small Entity: No

Agency Contact: Robert E. Feldman, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3811

RIN: 3064-AA86

3678. ● DISCLOSURE OF INFORMATION

Legal Authority: 12 USC 1819; 5 USC 552

CFR Citation: 12 CFR 309

Legal Deadline: None.

Abstract: The FDIC amended its regulations to implement the provisions of the Freedom of Information Reform Act of 1986, Pub. L. 99-570, and the Uniform Freedom of Information Act Fee Schedule and Guidelines adopted by the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
NPRM	04/27/87	52 FR 13843
NPRM Comment Period End	05/27/87	
Final Action	06/22/87	52 FR 23425
Final Action Effective	07/22/87	

Small Entity: No

Agency Contact: Margaret M. Olsen, Deputy Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3812

RIN: 3064-AA79

[FR Doc. 87-21263 Filed 10-23-87, 8:45 am]

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Monday
October 26, 1987

Part XLVIII

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 87-16, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 34 rulemakings listed, 22 are current and projected rulemakings, 6 are completed actions, and 6 have been withdrawn.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Prerule Stage

3679. NOI - REGULATION OF ELECTRICITY SALES - FOR RESALES AND TRANSMISSION SERVICE

Legal Authority: 16 USC 2601 to 2645 PURPA; 15 USC 791a to 828c FPA

CFR Citation: 18 CFR 290; 18 CFR 35

Legal Deadline: None.

Abstract: The Notice of Inquiry seeks information on the pricing and risk allocation for electric wholesale requirements service. RM85-17-000

Timetable:

Action	Date	FR Cite
Notice of Inquiry Phase I	06/04/85	50 FR 23445
Notice of Inquiry Phase II	07/05/85	50 FR 27604
End Review	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA68

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

3680. FEES FOR HYDROPOWER PROJECTS

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Legal Deadline: None.

Abstract: The rulemaking would establish a fee for services performed by the Commission under the FPA for hydropower projects. The rule would cover permits, licenses and exemptions. Docket No. RM83-33-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA48

3681. AMENDMENTS TO UNIFORM SYSTEM OF ACCOUNTS TO REVISE ACCOUNTING RETIREMENT FOR NUCLEAR FUEL

Legal Authority: 42 USC 7102 to 7352; 16 USC 791a to 828c; 16 USC 2601 to 2645; EO 12009, 3 CFR 142

CFR Citation: 18 CFR 101

Legal Deadline: None.

Abstract: The rule would revise the accounting treatment for the acquisition, maintenance and disposal of nuclear fuel by electric utilities. Docket No. RM83-28-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA52

3682. ACCOUNTING AND RATEMAKING TREATMENT FOR NUCLEAR PLANT DECOMMISSIONING COSTS

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 35; 18 CFR 101; 18 CFR 141

Legal Deadline: None.

Abstract: Rulemaking would establish appropriate accounting and ratemaking treatment for nuclear plant decommissioning costs that public utilities are beginning to incur. Docket No. RM85-5-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20246, **202 357-5597**

RIN: 1902-AA64

3683. HYDROELECTRIC APPLICANTS SEEKING BENEFITS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 ON PROJECTS LOCATED AT A NEW DAM OR DIVERSION. PETITION ALLEGING COMMITMENT OF (CONT)

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Pub. Utility Reg. Pol. Act of 1978; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978)

CFR Citation: 18 CFR 4; 18 CFR 292; 18 CFR 375

Legal Deadline: None.

Abstract: This interim rule prescribes the form in which a petition alleging commitment of substantial monetary resources prior to the enactment of the Electric Consumers Protection Act of 1986 (ECPA) will be filed and processed. This petition, if granted, would except from some of the provisions of section 8 of ECPA a hydroelectric project that impounds or diverts the water of a natural watercourse by means of a new dam or diversion, for which benefits under section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) are sought, if application for license or exemption for the project is filed between October 16, 1986 and April 16, 1988. Docket No. RM87-8-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/20/87	52 FR 5276
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Substantial Monetary Resources.

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA78

3684. NATURAL GAS RATE DESIGN

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Commission is proposing to establish new gas sales rate designs. Docket No. RM87-27-000.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA82

3685. ● GENERIC DETERMINATION OF RATE OF RETURN ON COMMON EQUITY FOR PUBLIC UTILITIES

Significance: Agency Priority

Legal Authority: 42 USC 7102 to 7352 (1982); EO 12009, 3 CFR 142 (1978); 5 USC 551 to 557, (1982); 15 USC 717 to 717w, (1982); 16 USC 791 to 828c, (1982); 15 USC 3301 to 3402, (1982); 16 USC 2601 to 2645, (1982)

CFR Citation: 18 CFR 37

Legal Deadline: None.

Abstract: The Commission is issuing a notice of proposed rulemaking establishing procedures to determine an estimate of the average cost of common equity for the jurisdictional operations of public utilities for the year ending June 30, 1987, and a quarterly indexing procedure to establish benchmark rates of return on common equity for use in individual rate cases. It is proposed that these benchmark rates of return remain advisory only. Docket No. RM87-35-000.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA93

3686. ● NATURAL GAS DATA COLLECTION SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 7102 to 7352, (1982); EO 12009, 3 CFR 142 (1978); 5 USC 551 to 557, (1982); 15 USC 717 to 717w, (1982); 16 USC 791 to 828c, (1982); 15 USC 3301 to 3402, (1982); 16 USC 2601 to 2645, (1982)

CFR Citation: 18 CFR 154; 18 CFR 157; 18 CFR 260; 18 CFR 284

Legal Deadline: None.

Abstract: The rule proposes to amend the Commission's regulations to establish the Natural Gas Data Collection System through the adoption of FERC Form No. 591. FERC Form No. 591 requires natural gas pipelines to submit various data, rate filings and certificate applications to the Commission on 9-track magnetic tape. In addition, FERC Form No. 591 revises the data presently submitted by natural gas pipelines to reflect the Commission's current regulatory responsibilities. This revision results in the filing of much of the same data at the same time as presently, eliminates data presently filed and requires the submission of data in more detail or more frequently than presently filed. Docket No. RM-87-17-000.

Timetable:

Action	Date	FR Cite
NPRM	07/07/87	52 FR 25530
NPRM Comment Period End	09/08/87	52 FR 25530
Final Action	01/00/88	

Small Entity: Not Applicable

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA94

FERC — Proposed Rule Stage

3687. ● PROCEDURES FOR THE ASSESSMENT OF CIVIL PENALTIES UNDER SECTION 31 OF THE FEDERAL POWER ACT

Significance: Agency Priority

Legal Authority: 42 USC 7102 to 7352, (1982); EO 12009, 3 CFR 142 (1978); 5 USC 551 to 557, (1982); 15 USC 717 to 717w, (1982); 16 USC 791 to 828c, (1982); 15 USC 3301 to 3402, (1982); 16 USC 2601 to 2645, (1982)

CFR Citation: 18 CFR 385

Legal Deadline: None.

Abstract: The Federal Energy Regulatory Commission is issuing a notice of proposed rulemaking establishing procedures for the assessment of civil penalties pursuant to section 12 of the Electric Consumers Protection Act of 1986, which amended and added a new section 31 to the Federal Power Act. Docket No. RM87-24-000.

Timetable:

Action	Date	FR Cite
NPRM	08/03/87	52 FR 29216
NPRM Comment Period End	10/05/87	52 FR 29216
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA96

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Final Rule Stage

3688. REVISION OF FERC RULES OF PRACTICE, SEPARATION OF FUNCTIONS AND EX PARTE RULES FOR TRIAL-TYPE PROCEEDINGS

Legal Authority: 5 USC 557

CFR Citation: 18 CFR 385.2201; 18 CFR 385.2202

Legal Deadline: None.

Abstract: Rule would establish uniform ex parte and separation of functions rules for all trial-type proceedings. Docket No. RM80-60-000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/80	45 FR 36094
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA31

3689. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Legal Authority: 16 USC 791a to 828c

CFR Citation: 18 CFR 35

Legal Deadline: None.

Abstract: Proposed rule would provide that a public utility that files electric rate schedules may include in rate base no cash working capital allowance, unless it is demonstrated that the payment of certain current operating expenses by that utility is not, on the average, closely timed with the receipt of revenues from ratepayers, producing a significant "lead" or "lag" in revenue collection in relation to the payment of expenses. The new section would prescribe the expense elements includable in cash working capital, the parameters of the presumption against a cash working capital allowance, and the nature of the studies that may be submitted in support of, or in opposition to, any request for a cash working capital allowance. Docket No. RM84-9.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period End	06/04/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA33

3690. LIST OF UNITS OF PROPERTY FOR USE IN ACCOUNTING FOR ADDITIONS AND RETIREMENTS OF REACTOR PLANT EQUIPMENT

Legal Authority: 42 USC 7102 to 7352; 16 USC 791a to 828c; 16 USC 7601 to 7645

CFR Citation: 18 CFR 116

Legal Deadline: None.

Abstract: Proposed rule would establish list of retirement units for nuclear reactor plants for purposes of the Commission's Uniform Systems of Accounts. Docket No. RM83-39-000.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39134
NPRM Comment Period End	11/26/85	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA43

3691. EXEMPTION FROM THE LICENSING REQUIREMENTS OF PART I OF THE FEDERAL POWER ACT OF CERTAIN CATEGORIES OF SMALL HYDROELECTRIC POWER PROJECTS WITH AN INSTALLED CAPACITY OF 5 MW OR LESS

Legal Authority: 16 USC 823a Federal Power Act; 16 USC 2708 PURPA; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 4.109; 18 CFR 4.110; 18 CFR 4.111; 18 CFR 4.112

Legal Deadline: None.

Abstract: The Commission has requested a remand from the U.S. Court of Appeals for the D.C. Circuit of its categorical exemptions rule for small

hydroelectric power projects in order to determine whether or not to repeal the categorical exemption regulations. Docket No. RM81-7-000

Timetable:

Action	Date	FR Cite
NPRM	06/08/87	52 FR 21576
Interim Final Rule	07/08/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA59

3692. REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL; PART D

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act

CFR Citation: 18 CFR 154

Legal Deadline: None.

Abstract: The Commission seeks additional comment on its block billing procedures. In the original notice, the Commission proposed: -A three-part gas rate for pipeline gas sales, to preserve the benefits of "old" gas for existing firm sales customers and to mitigate competitive distortions resulting from the lingering effects of existing wellhead price controls; -A first block containing "old gas" under sections 104, 106(a) and 109 of the NGPA; -That after a pipeline permitted its firm sales customers to reduce 100 percent of their contract demands and offered those customers non-discriminatory self-implementing transportation, then the sales price assigned to the second block was presumed to be just and reasonable. The revised proposal is as follows: -Eliminating "Block 3" with revisions to clarify that the "as-billed" principle continues to apply to fixed costs; -Extending the base period to include the period between December 1, 1978, to December 31, 1984; -Including interruptible purchases for purposes of determining block 1 allocation factors; -Clarifying that the presumption of justness and reasonableness for block 2 gas; -Clarifications re implementation. RM85-1-000.

Timetable:

Action	Date	FR Cite
NPRM	10/09/85	50 FR 42372
NPRM Comment Period End	11/18/85	50 FR 42372
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA70

3693. ABANDONMENT OF SALES AND PURCHASES OF NATURAL GAS UNDER EXPIRED, TERMINATED, OR MODIFIED CONTRACTS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w; 42 USC 7101 to 7352; EO 12009, 3 CFR 142; 15 USC 3301 to 3432

CFR Citation: 18 CFR 157; 18 CFR 284

Legal Deadline: None.

Abstract: Rule proposes to permit sellers and purchasers of natural gas subject to the Commission's jurisdiction to abandon their sales of purchases when the contracts expire, terminate or are mutually terminated or modified. Docket No. RM87-16-000.

Timetable:

Action	Date	FR Cite
NPRM	05/19/87	52 FR 18703
NPRM Comment Period End	06/18/87	
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA81

3694. FEES FOR HYDROELECTRIC PROJECT APPLICATIONS TO REIMBURSE FISH AND WILDLIFE AGENCIES

Significance: Agency Priority

Legal Authority: PL 99-495 Electric Consumers Protection Act of 1986; 16 USC 791 to 825r Federal Power Act; 16 USC 2601 to 2645 (1982) Pub. Utility Reg. Pol. Act of 1978; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978)

CFR Citation: 18 CFR 4; 18 CFR 11; 18 CFR 375

Legal Deadline: None.

Abstract: The Commission proposes to adopt new regulations governing applications for licenses and exemptions to implement section 7 (c) of the Electric Consumers Protection Act of 1986 (ECPA).Under the proposed rule, license and exemption applicants for projects required to meet the terms and conditions of fish and wildlife agencies under section 30(c) of the Federal Power Act, as amended by section 7(b) of ECPA, would reimburse the National Marine Fisheries Service (NMFS), the United States Fish and Wildlife Service (USFWS), and the state agency responsible for fish and wildlife resources for any reasonable costs incurred in setting mandatory terms and conditions. The rule also proposes that any fees paid would be deducted from the total annual charge assessed against licensees under section 10(e) of the Federal Power Act for costs of administering Part I of the Federal Power Act. Docket No. RM87-6-000.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8463
NPRM Comment Period End	05/18/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA84

3695. INFORMATION THAT EXISTING HYDROELECTRIC LICENSEES MUST MAKE AVAILABLE UPON NOTICE OF THEIR INTENTION TO FILE FOR AN APPLICATION FOR A NEW LICENSE

Significance: Agency Priority

FERC

Final Rule Stage

Legal Authority: 16 USC 791a to 825r Federal Power Act; PL 99-495 Electric Consumers Protection Act of 1986; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978)

CFR Citation: 18 CFR 16

Legal Deadline: None.

Abstract: This interim rule prescribes the information that an existing hydroelectric licensee must make available to the public upon notifying the Commission whether or not it intends to file an application for new license. Docket No. RM87-7-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 11035
Final Action	01/00/88	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA88

3696. INQUIRY INTO ALLEGED ANTICOMPETITIVE PRACTICES RELATING TO MARKETING AFFILIATES OF INTERSTATE PIPELINES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 15 USC 3301 to 3432 (1982) Natural Gas Policy Act of 1978

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The notice of inquiry seeks information about allegations of anticompetitive activity related to the relationship between interstate pipelines and their marketing affiliates. The notice of inquiry also seeks information on how to ensure competitive business practices by pipelines and their marketing affiliates in the natural gas sales and transportation markets. Docket No. RM87-5-000.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	11/14/86	51 FR 41982
NPRM	06/08/87	52 FR 21578
NPRM Comment Period End	07/23/87	52 FR 21578
Final Action	01/00/88	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA90

3697. ● REGULATIONS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352, (1982); 3 CFR 1978 Comp p. 142; 16 USC 792 to 825r, (1982); 15 USC 717 to 717w, (1982); 15 USC 3301 to 3432, (1982); 16 USC 2601 to 2645, (1982); 16 USC 4321 to 4361, (1978)

CFR Citation: 18 CFR 2; 18 CFR 380

Legal Deadline: None.

Abstract: The Federal Energy Regulatory Commission is proposing to revise its regulations that govern the collection, evaluation, and dissemination of environmental information. The proposed regulations would replace and elaborate on existing Commission regulations under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321-4347, and adopt many of the NEPA regulations promulgated by the Council on Environmental Quality, 40 CFR Parts 1500-1508, as amended. This rulemaking docket incorporates former Docket No. RM79-69-000. Docket No. RM 87-15-000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20314
NPRM Comment Period End	07/28/87	52 FR 20314
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA91

3698. ● REVISION OF FREEDOM OF INFORMATION ACT RULES

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 553

CFR Citation: 18 CFR 3; 18 CFR 381; 18 CFR 388

Legal Deadline: None.

Abstract: The Federal Energy Regulatory Commission proposes to amend its general regulations governing public information, and requests for information made pursuant to the Freedom of Information Act. The proposal consolidates regulations which are currently provided in Section 3.8 and Part 388 of the Commission's regulations. The proposal also incorporates changes mandated by Congress in the Freedom of Information Reform Act of 1986. This docket incorporates Docket No. RM83-42-000. Docket No. RM87-21-000.

Timetable:

Action	Date	FR Cite
NPRM	06/26/87	52 FR 24027
NPRM Comment Period End	07/27/87	52 FR 24027
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA92

3699. ● REVISIONS TO THE PURCHASED GAS ADJUSTMENT REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352, (1982); 5 USC 551 to 557, (1982); 15 USC 717 to 717w, (1982); 16 USC 791a to 828c, (1982); 16 USC 2601 to 2645, (1982); 49 USC 1 to 27, (1976)

CFR Citation: 18 CFR 154; 18 CFR 282; 18 CFR 375; 18 CFR 381

Legal Deadline: None.

Abstract: The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations governing the procedures by which a natural gas pipeline company (company or pipeline) passes through the cost of purchased gas to its jurisdictional customers.

FERC

Final Rule Stage

The Commission is proposing to modify the mechanism by which a company can bill its purchased gas costs (purchased gas adjustment or PGA) by requiring a company to file a comprehensive annual PGA filing instead of two semi-annual filings and updating the annual PGA filing with three additional quarterly filings. This docket incorporates RM84-12 and RM86-14. Docket No. RM87-11-000.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20828
NPRM Comment Period End	08/03/87	52 FR 20828
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA95

3700. ● REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL

Significance: Agency Priority

Legal Authority: 42 USC 7102 to 7352 (1982); EO 12009, 3 CFR 142 (1978); 5 USC 551 to 557, (1982); 15 USC 717 to 717w, (1982); 16 USC 791 to 828c, (1982); 15 USC 3301 to 3402, (1982); 16 USC 2601 to 2645, (1982)

CFR Citation: 18 CFR 2; 18 CFR 284.10

Legal Deadline: None.

Abstract: Order on remand of the Commission's Order No. 436 which, among other things, established a voluntary transportation program. Docket No. RM87-34-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/07/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Susan J. Court, Associate General Counsel, Gas and Oil, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8448**

RIN: 1902-AA97

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Completed Actions

3701. REVISION TO FERC RULES OF PRACTICE, PART 3, DISCOVERY

CFR Citation: 18 CFR 1.23; 18 CFR 1.26

Completed:

Reason	Date	FR Cite
Final Action	03/06/87	52 FR 6957
Final Action Effective	04/06/87	52 FR 6957

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA13

3702. REVISIONS TO PGA REGULATIONS

CFR Citation: 18 CFR 157

Completed:

Reason	Date	FR Cite
Withdrawn The issues in RM84-12-000 will be incorporated in RM87-11-000.	06/03/87	52 FR 20828

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA50

3703. REVISIONS TO THE BILLING PROCEDURES FOR ANNUAL CHARGES FOR ADMINISTERING PART I OF THE FEDERAL POWER ACT AND TO THE METHODOLOGY FOR ASSESSING FEDERAL LAND USE CHARGES

Significance: Agency Priority

CFR Citation: 18 CFR 11.01; 18 CFR 11.02; 18 CFR 11.03; 18 CFR 11.04

Completed:

Reason	Date	FR Cite
Final Action	05/14/87	52 FR 18201
Final Action Effective	07/28/87	52 FR 18201

Small Entity: Undetermined

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA71

3704. REVISIONS TO PGA REGULATIONS

Significance: Agency Priority

CFR Citation: 18 CFR 154.38; 18 CFR 154.301 to 154.310; 18 CFR 375; 18 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	07/07/87	52 FR 25530

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA73

3705. COMPRESSION ALLOWANCES AND PROTEST PROCEDURES UNDER NGPA SECTION 110

Significance: Agency Priority

CFR Citation: 18 CFR 271

Completed:

Reason	Date	FR Cite
Final Action	06/03/87	52 FR 21660
Final Action Effective	08/10/87	52 FR 21660

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA74

3706. OIL PIPELINE FEES

Significance: Agency Priority

CFR Citation: 18 CFR 346

Completed:

Reason	Date	FR Cite
Withdrawn Docket administratively terminated on September 29, 1986.	09/29/86	

Small Entity: No

FERC

Completed Actions

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA75

3707. CONSTRUCTION WORK IN PROGRESS

Significance: Agency Priority

CFR Citation: 18 CFR 35

Completed:

Reason	Date	FR Cite
Final Action	06/28/87	52 FR 23948
Final Action Effective	07/27/87	

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA76

3708. REVISION OF FREEDOM OF INFORMATION ACT RULES

Significance: Agency Priority

CFR Citation: 18 CFR 3; 18 CFR 388

Completed:

Reason	Date	FR Cite
Withdrawn Combined with 1902-AA92	06/26/87	52 FR 24027

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA79

3709. COMPUTERIZATION OF SECTION 4 RATE FILING DATA SUBMISSIONS

Significance: Agency Priority

CFR Citation: 18 CFR 154

Completed:

Reason	Date	FR Cite
Withdrawn	07/07/87	52 FR 25530

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA83

3710. REGULATIONS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Significance: Agency Priority

CFR Citation: 18 CFR 380

Completed:

Reason	Date	FR Cite
Withdrawn Combined with 1902-AA91	05/29/87	55 FR 20314

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA86

3711. RATE CHANGES RELATING TO FEDERAL CORPORATE INCOME TAX RATE FOR PUBLIC UTILITIES

Significance: Agency Priority

CFR Citation: 18 CFR 35; 18 CFR 389

Completed:

Reason	Date	FR Cite
Final Action	06/26/87	52 FR 24987
Final Action Effective	06/26/87	52 FR 24987

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA87

3712. ANNUAL CHARGES UNDER OMNIBUS BUDGET RECONCILIATION ACT OF 1986

Significance: Agency Priority

CFR Citation: 18 CFR 375; 18 CFR 382

Completed:

Reason	Date	FR Cite
Final Action	06/15/87	52 FR 21263
Final Action Effective	07/06/87	52 FR 21263

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA89

[FR Doc. 87-21264 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part XLIX

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FEDERAL HOME LOAN BANK BOARD (FHLBB)

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 87-932]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the "October Unified Agenda of Federal Regulations."

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

DATED: August 27, 1987.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Prerule Stage

3713. ● REGULATIONS REQUIRED BY THE COMPETITIVE EQUALITY BANKING ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-86

CFR Citation: 12 CFR 500 to 591

Legal Deadline: Statutory, January 7, 1988. The Competitive Equality Banking Act of 1987, PL 100-86, 101 Stat. 552, requires the Bank Board to adopt certain regulations identified in this advance notice of proposed rulemaking by January 7, 1988.

Abstract: The Bank Board is issuing an advance notice of proposed rulemaking to inform the public of its intention to promulgate regulations required by the Competitive Equality Banking Act of 1987 ("CEBA"). Within 2 to 6 months of the date of CEBA's enactment, the Bank Board is required to issue regulations or guidelines in the following areas: qualified thrift lender test; classification of assets; appraisals; uniform generally accepted accounting principles; gain and loss deferrals; capital forebearance; minimum capital requirements; procedures setting time limits for approval or disapproval of applications submitted to Bank Board; and asset disposition. The Bank Board is requesting comment on these areas and others to assist in implementing the requirements of the CEBA. Additionally, the Bank Board is soliciting comment on the possible promulgation of other regulations not covered by this notice as well as amendments to existing regulations that may be necessary to implement the provisions of the CEBA the most effective way. Since the proposal is only an advance notice of proposed rulemaking, the potential costs and benefits of a proposed (cont)

Timetable:

Action	Date	FR Cite
ANPRM	08/00/87	
ANPRM Comment Period End	09/00/87	

Small Entity: No

Additional Information: Abstract Cont: regulation on the industry have not been quantified.

Agency Contact: Christina M. Gattuso, Acting Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6649

RIN: 3068-AA38

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Proposed Rule Stage

3714. ● SETTLEMENT OF INSURANCE; FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Legal Authority: 12 USC 1724 to 1730g

CFR Citation: 12 CFR 564.2; 12 CFR 564.9

Legal Deadline: None.

Abstract: The Bank Board is proposing to amend its regulations pertaining to the settlement of insurance on accounts held jointly. The Bank Board proposes to delete the current requirement that each co-owner of a joint account must personally execute a signature card for the account in order for the account to be separately insured. The Bank Board believes the current rule may have caused hardship to depositors and added to the recordkeeping burden on institutions without appreciably reducing the risks of fraudulent claims of entitlement to separate joint account insurance coverage. The Bank Board also is proposing to consolidate provisions of its regulations governing joint accounts and to clarify the provisions affecting joint accounts established by intermediaries.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	07/10/87	52 FR 26017
NPRM Comment Period End	09/08/87	52 FR 26017
Final Action	00/00/00	

Small Entity: No

Analysis: Regulatory Flexibility Analysis

Agency Contact: Deborah Dakin, Assistant Director, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6445

RIN: 3068-AA23

FHLBB — Proposed Rule Stage

3715. ● APPRAISAL POLICIES AND PRACTICES OF INSURED INSTITUTIONS AND SERVICE CORPORATIONS

Legal Authority: 12 USC 1421 to 1429; 12 USC 1437; 12 USC 1724 to 1730

CFR Citation: 12 CFR 563.17-1a, (new section); 12 CFR 571.1b, (new section)

Legal Deadline: None.

Abstract: The Bank Board is proposing to adopt a rule and a statement of policy pertaining to appraisal policies and practices of insured institutions and service corporations of such institutions. The proposed rule is intended to codify the standards to be used by insured institutions and service corporations, as well as examiners and supervisory staff, in determining compliance with the appraisal requirements of 12 CFR 563.17-1 and 563.17-2. The proposed rule and policy statement address the same four components of the Bank Board's appraisal standards and reporting requirements addressed in R-41c as clarified: management policies, appraisal management, appraisal content, and related considerations. This proposed rule, however, has been designed to clarify and simplify the R-41c guidelines. The proposed rule would apply equally to all insured institutions.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	52 FR 18386
NPRM Comment Period End	09/01/87	52 FR 27219
Final Action	12/00/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis

Agency Contact: Kathy L. Kresch, Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6417

RIN: 3068-AA35

3716. ● CLASSIFICATION OF ASSETS

Legal Authority: 12 USC 1464; 12 USC 1726; 12 USC 1730

CFR Citation: 12 CFR 561.15; 12 CFR 561.16c; 12 CFR 563.13; 12 CFR 563.17-2; 12 CFR 571.1a

Legal Deadline: None.

Abstract: The Bank Board is proposing to revise its present regulations governing the classification of assets of insured institutions. The proposed rule would ensure the use of broader, but judicious, examiner discretion in the classification of assets, consistent with the examination practices of the bank regulatory agencies. Specifically, the proposal employs the existing classification categories of Substandard, Doubtful and Loss, but significantly alters the consequences of the respective classifications with respect to both reserve requirements and minimum capital requirements. Assets classified substandard would no longer be treated as scheduled items, thus, twenty percent of substandard assets would not be included in calculating the contingency component of an insured institution's minimum regulatory capital requirement. Moreover, with respect to assets classified Doubtful, the Bank Board would no longer require institutions to establish specific allowances for loan losses. With respect to assets classified Substandard or Doubtful, if the examiner concludes that the valuation allowances established by the institutions are inadequate, the examiner (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	52 FR 18369
Publication of Board Action	05/15/87	52 FR 18369
NPRM Comment Period End	09/01/87	52 FR 27218
Final Action	12/00/87	

Small Entity: No

Additional Information: Abstract Cont: would determine the need for, and extent of, any increase necessary in the insured institution's general allowances for loan losses, subject to review by the Principal Supervisory Agent. For the portion of assets classified Loss, the Bank Board would continue to require institutions either to establish specific allowances for losses of 100 percent of the amount classified, or charge off such amount. Institutions would also be required to classify their own assets and to establish prudent general allowances for loan losses. The proposed rule would apply equally to all insured institutions.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Daniel G. Lonergan, Staff Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6458

RIN: 3068-AA37

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Final Rule Stage

3717. CONSERVATORS AND RECEIVERS

Legal Authority: 12 USC 1464; 12 USC 1724(d); 12 USC 1729; PL 99-120, Sec 6

CFR Citation: 12 CFR 547; 12 CFR 548; 12 CFR 549; 12 CFR 563.8-3, (proposed new section); 12 CFR 563.39(a); 12 CFR 569a; 12 CFR 569b, (proposed new Part); 12 CFR 569c, (proposed new Part)

Legal Deadline: None.

Abstract: The Board is proposing extensive revisions to its regulations governing the conservatorship and receivership of associations chartered by the Board or the accounts of which that are insured by the Federal Savings and Loan Insurance Corporation. The Board will unify the appointment of receiver procedures for state and federal institutions; adopt procedures

for appointment of receivers under section 406(c)(1)(B) of the National Housing Act; and address the priorities in liquidation and participation interests in liquidation, which are absent from or inadequately covered in the present regulations. The Board is also proposing that its regulations cover topics such as the effect of the receivership appointment on executory contracts, employment agreements, certain "Golden Parachute" agreements, participation agreements, repurchase agreements, and on agreements relating to secured and unsecured borrowings by an insured institution, including agreements providing for prepayment or default penalties. The proposed regulations provide for new rules of general applicability in the areas previously mentioned, clarify existing provisions, and reorganize and recodify all the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 48970
Publication of Board Action	11/27/85	50 FR 48970
NPRM Comment Period End	01/22/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: regulations governing conservatorships and receiverships.

There are no alternatives being considered by the Board in lieu of the proposed regulation that would have less impact on small institutions, consistent with the intended result, than the concerns expressed in the supplementary information to the proposed rule and the existing statutory requirements concerning receiverships and conservatorships.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Lawrence W. Hayes, Deputy General Counsel for FSLIC, O.G.C., Federal Home Loan Bank Board, 1700 G St. NW, Washington, DC 20552, **202 377-6428**

RIN: 3068-AA07

3718. LOANS TO ONE BORROWER

Legal Authority: 12 USC 1421 to 1429; 12 USC 1464(c); 12 USC 1724 to 1730

CFR Citation: 12 CFR 563.9-3

Legal Deadline: None.

Abstract: The Bank Board proposes to amend its regulation pertaining to loans to one borrower in a number of ways, most significantly to reduce the amount of aggregate loans to one borrower that may be made by an institution the accounts of which are insured by the FSLIC. The proposal is intended to reduce risk to insured institutions and the FSLIC without depriving institutions of appropriate operational flexibility. To this end, the Board invites comment on all aspects of the proposal.

The Bank Board is soliciting comment on possible alternatives to the rule as proposed in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

The proposed rule would apply equally to all insured institutions.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 30225
Publication of Board Action	08/25/86	51 FR 30225
NPRM Comment Period End	10/24/86	51 FR 30225

Next Action Undetermined

Small Entity: Yes

Analysis: Regulatory Flexibility Analysis

Agency Contact: Carol J. Johnson, Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 377-6357**

RIN: 3068-AA19

3719. ● REGULATORY CAPITAL REQUIREMENTS OF INSURED INSTITUTIONS

Legal Authority: 12 USC 1726

CFR Citation: 12 CFR 563.3-10; 12 CFR 563.13

Legal Deadline: None.

Abstract: The Bank Board is proposing to amend its regulation setting the regulatory capital requirements for institutions insured by the Federal Savings and Loan Insurance Corporation by changing the method of computing the annual calculation of industry profits; by deleting the provision concerning the effect upon base liabilities of acquisitions and sales of less than substantially all of the liabilities of an insured institution (branch sales); and by amending the earnings-based accounts regulation to conform that regulation's provisions establishing regulatory capital thresholds to the current regulatory capital requirements. The proposed rule would apply equally to all insured institutions.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	06/25/87	52 FR 23845
NPRM Comment Period End	08/24/87	52 FR 23845
Final Action	00/00/00	

Small Entity: No

Analysis: Regulatory Flexibility Analysis

Agency Contact: Jerilyn Rogin, Staff Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 377-7018**

RIN: 3068-AA22

3720. ● BANK SECRECY ACT COMPLIANCE PROCEDURES

Significance: Agency Priority

Legal Authority: 31 CFR 103; 12 USC 1464; 12 USC 1730; PL 99-570, Sec 1359; 31 USC 5311 to 5322

CFR Citation: 12 CFR 563.17-7

Legal Deadline: Statutory, April 27, 1987. Section 1359 of the Anti-Drug Abuse Act of 1986, Pub.L.No. 99-570, required establishment of a Bank Secrecy Act compliance program by April 27, 1987.

Abstract: The Bank Board is proposing to amend for purposes of clarification, its recently adopted regulation which requires insured institutions to establish and maintain procedures to assure and monitor compliance with the requirements of the Bank Secrecy Act ("BSA"), including the Currency and Foreign Transactions Reporting Act and the implementing regulations of the U.S. Department of the Treasury, 31 CFR Part 103. The proposed rule sets forth in greater detail the elements required to

be in a BSA compliance program, in particular, the requirements of BSA compliance testing and continuing education. The proposed rule would apply equally to all insured institutions.

The proposed rule for BSA compliance programs establishes a minimum system for verifying and encouraging compliance with the BSA in accordance with Congressional concern. Alternatively, the Bank Board could have required an in-depth audit of insured institutions' compliance by independent auditors. The Bank Board believes that such an alternative would have been less flexible and more restrictive for insured institutions. (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/08/87	52 FR 17406
NPRM Comment Period End	07/07/87	52 FR 17406
Final Action	00/00/00	

Small Entity: No

Additional Information: 9. Abstract Cont:

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: C. Dawn Causey, Attorney, Office of Enforcement, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 653-2624**

RIN: 3068-AA24

3721. ● CORPORATE GOVERNANCE, PARTS III AND IV

Legal Authority: 12 USC 1464; 12 USC 2609

CFR Citation: 12 CFR 501.12, (new section); 12 CFR 543.10-5; 12 CFR 544.9-2, (new section); 12 CFR 544.10-5; 12 CFR 545.2; 12 CFR 545.3; 12 CFR 545.12; 12 CFR 545.21; 12 CFR 454.32; 12 CFR 545.33; 12 CFR 545.34; 12 CFR 545.46; 12 CFR 545.74; 12 CFR 545.91; 12 CFR 545.95; ...

Legal Deadline: None.

Abstract: The Bank Board is proposing extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations. Due to the magnitude of the revisions, the Bank Board has presented the proposal in parts, issued separately for public comment. The proposed regulations would reorganize portions of Subchapter C (the regulations for federally chartered associations) and amend and add sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part I, previously proposed, would provide definitions and rules for the organization and incorporation of Federal associations. Part II, also previously proposed, would contain provisions regarding the corporate structure and governing processes for Federal stock associations and Federal mutual associations. Part III proposes revisions to the rules governing operations of and charter conversion from and to Federal associations. Part IV proposes provisions regarding conservatorships, receiverships, trust powers, miscellaneous provisions, Board rulings, and statements of policy. The (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/09/87	52 FR 25870
NPRM Comment Period End	09/08/87	52 FR 25870

Next Action Undetermined

Small Entity: No

Additional Information: CFR citation (cont'd) 12 CFR 545.114, 12 CFR 545.121, 12 CFR 545.123, 12 CFR 545.131, 12 CFR 546.1, 12 CFR 546.2, 12 CFR 546.3, 12 CFR 546.4, 12 CFR 546.5, 12 CFR 546.6, 12 CFR 546.7, 12 CFR 546.8, 12 CFR 546.9, 12 CFR 546.10, 12 CFR 546.11, and 12 CFR 551.

Abstract Cont: proposed rule would apply equally to all insured institutions.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Kathleen M. Ulrich, Staff Attorney, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 377-7049**

RIN: 3068-AA25

3722. ● ADJUSTABLE-RATE MORTGAGE HOME LOAN DISCLOSURES

Legal Authority: 12 USC 1724 to 1730; 12 USC 3801 et seq; 12 CFR 226.17; 12 CFR 226.19

CFR Citation: 12 CFR 545.33; 12 CFR 563.9-9

Legal Deadline: None

Abstract: The Bank Board proposed to amend its regulations regarding the disclosures and notices that lenders must give to borrowers concerning adjustable-rate mortgage ("ARM") home loans. The proposed rule would retain the Bank Board's current regulations concerning the timing for disclosures and continue to allow the use of the ARMs Handbook, but would require additional disclosure of specific information concerning the ARM program being offered to the consumer. The revision would clarify the Bank Board's regulation and would implement the uniform disclosure of ARMs recommended by the Federal Financial Institutions Examination Council on August 12, 1986. In addition, the proposal would consolidate and clarify existing Bank Board regulations on disclosures and notices for all loans. The proposed rule would apply equally to all insured institutions.

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	02/05/87	52 FR 3665
NPRM Comment Period End	03/09/87	52 FR 3665

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Flexibility Analysis

Agency Contact: Stephen D. Johnson, Attorney/Advisor, Division of Consumer and Civil Rights, Office of Community Investment, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 653-2692**

RIN: 3068-AA26

FHLBB

Final Rule Stage

3723. ● ACCOUNTING POLICY RELATING TO ACQUISITION, DEVELOPMENT AND CONSTRUCTION LOANS

Legal Authority: Notice to Practitioners on ADC Loans, CPA Letter, Feb 10, 1986

CFR Citation: 12 CFR 571.17

Legal Deadline: None.

Abstract: The Bank Board proposed to amend its statement of accounting policy relating to acquisition, development and construction ("ADC") loans used by all institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") or affiliates thereof when preparing reports or financial statements for filing with the Bank Board or the FSLIC. The amendments relate to the recent "Notice to Practitioners" issued by the American Institute of Certified Public Accountants, which superseded two prior notices issued in November 1983 and November 1984, and to the public position regarding the effective date of the recent notice taken by the Chief Accountant of the Securities and Exchange Commission. By proposing this amendment to its statement of policy, the Bank Board is adhering to its policy that insured institutions are expected to apply the guidance of the accounting profession for determining whether a transaction characterized as an ADC loan is in fact a loan or whether, in substance, it is a real estate investment or a joint venture. The proposed rule would apply equally to all insured institutions. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	52 FR 7887
NPRM Comment Period End	05/12/87	52 FR 7887

Next Action Undetermined

Small Entity: No

Additional Information:

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Carol Johnson, Staff Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6357

RIN: 3068-AA27

3724. ● INSURANCE TERMINATION PROVISIONS

Legal Authority: 12 USC 1464; 12 USC 1727; 12 USC 1730

CFR Citation: 12 CFR 565

Legal Deadline: None.

Abstract: The Bank Board is reviewing a number of issues relating to the extent to which institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") that terminate their insured status in connection with transfers by operation of law must pay a final insurance premium to the FSLIC. As part of its review, the Bank Board is soliciting public comment to ascertain whether to issue a proposal in this area. On October 7, 1986, the Bank Board adopted a clarifying amendment to the definition of "transfers" set forth in its statement of policy regarding mergers and transfers of assets. (12 CFR 571.5(a)). However, as the clarification indicates, the interpretation did not specifically address the separate issues of whether an insured institution undertaking a transfer of assets and liabilities by operation of law in which the surviving entity is not FSLIC-insured must pay a final insurance premium to the FSLIC, and if so, the amount of such payment. The Bank Board has been reviewing this so-called "exit premium" issue on an ongoing basis and as yet has made no final determination with respect to this matter.

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17408
ANPRM Comment Period End	07/07/87	52 FR 17408

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: In view of the contined importance of this issue as it relates to the financial condition of the FSLIC insurance fund and the recapitalization proposals now before the Congress, the Bank Board is hereby soliciting public comment on this subject. Since the proposal is only an advance notice of proposed rulemaking, the potential costs and benefits of a proposed regulation on the industry have not been quantified.

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6963

RIN: 3068-AA28

3725. ● INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES OF FEDERAL HOME LOAN BANKS

Legal Authority: 5 USC 553

CFR Citation: 12 CFR 522.72

Legal Deadline: None.

Abstract: The Bank Board is proposing to amend its regulations governing the indemnification of directors, officers, and employees of the Federal Home Loan Banks ("FHL Banks"). This amendment would clarify that expenses incurred by FHL Bank directors, officers, and employees in connection with litigation are to be reimbursed as they are incurred, but that, by majority vote of its board of directors, a FHL Bank could require repayment of expenses that it finds to have been beyond the scope of the Bank Board's indemnification regulation. The proposal applies only to directors, officers, and employees of the FHL Banks, none of which falls within the definition of a "small financial institution" given by the Small Business Administration.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposal on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	04/16/87	52 FR 12425
NPRM Comment Period End	06/15/87	52 FR 12425

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Flexibility Analysis

Agency Contact: Joan Van Berg, Attorney, Regulations and Legislation

FHLBB — Final Rule Stage

Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-7023

RIN: 3068-AA30

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Completed Actions

3726. DEFINITION OF REGULATORY CAPITAL

Legal Authority: 12 USC 1464(b); 12 USC 1726(b)

CFR Citation: 12 CFR 500 to 591 (revision of Chapter V); 12 CFR 541.17 (revised section); 12 CFR 541.20; 12 CFR 545.115; 12 CFR 561.13 (revised section); 12 CFR 563.17-4; 12 CFR 563.23-1; 12 CFR 563.23-2; 12 CFR 563.23-3; 12 CFR 563c.14; 12 CFR 570.4; 12 CFR 570.11; 12 CFR 570.12

Legal Deadline: None.

Abstract: The Board proposes to amend its regulations to require that all financial statements issued by insured institutions, including statements of condition required pursuant to 12 CFR 545.115, and all financial reports filed with the Board shall be prepared in accordance with generally accepted accounting principles. The proposed rule would also substitute the term "regulatory capital" for "regulatory net worth" and would define "regulatory capital" to mean the sum of equity capital as determined in accordance with generally accepted accounting principles plus certain other items as determined appropriate by the Board based on risk analysis report. The Board believes that these actions will aid its supervisory efforts in evaluating the viability of insured institutions and the related risk to the Corporation.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	04/24/86	51 FR 16542
Publication of Board Action	05/05/86	51 FR 16542
NPRM Comment Period End	07/07/86	51 FR 16542
Final Action	05/15/87	52 FR 18340
Final Action Effective	01/01/88	52 FR 18340

Small Entity: No

Agency Contact: Christina M. Gattuso, Attorney, Regulations & Legislation Division, OGC, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6649

RIN: 3068-AA12

3727. ● USE OF PENALTY MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN

Legal Authority: 5 USC 553; 39 USC 3220; 50 FR 46622; 42 USC 5601 et seq

CFR Citation: 12 CFR 510A, (new part); 12 CFR 510a.1, (new section); 12 CFR 510a.2, (new section); 12 CFR 510a.3, (new section); 12 CFR 510a.4, (new section); 12 CFR 510a.5, (new section); 12 CFR 510a.6, (new section)

Legal Deadline: None.

Abstract: The Bank Board created a new part 510A and established procedures for the use of official United States Government Mail franked for Bank Board use ("penalty mail") to assist in the location and recovery of missing children pursuant to 39 USC 3220(a)(2). With the enactment of PL 99-87, Congress has extended this federal commitment to all executive departments and independent establishments of the United States Government by authorizing the use of missing children photographs and biographical data on penalty mail in accordance with guidelines prescribed by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

The potential costs and benefits of the rule on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
Final Action	05/08/87	52 FR 17392
Final Action Effective	05/08/87	52 FR 17392

Small Entity: No

Agency Contact: Charles J. Szlenker, Attorney, Administration Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6550

RIN: 3068-AA29

3728. ● TRANSFERS OF ASSETS OF INSURED INSTITUTIONS

Legal Authority: 12 USC 1464; 12 USC 1730

CFR Citation: 12 CFR 571.5

Legal Deadline: None.

Abstract: The Bank Board is adopting a clarifying amendment to its statement of policy regarding mergers and transfers of assets. The purpose of the amendment is to make clear the Bank Board's regulations governing transfers of assets, savings accounts, and other liabilities by institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") are applicable to all transfers in bulk not made in the ordinary course of business, including transfers by operation of law effected pursuant to charter conversions, mergers, consolidations, and other business combinations and reorganizations, in which an FSLIC-insured institution is not the surviving entity, and that, accordingly, application to and approval by the Bank Board are required for such transactions. The amendment is a slightly modified version of an interpretive rule adopted by the Bank Board in October, 1986. The Bank Board is issuing this clarification to resolve any uncertainty that may exist concerning the types of transfers that are subject to the Bank Board's regulations. The rule applies equally to all insured institutions. (cont)

Timetable:

Action	Date	FR Cite
Final Action	06/26/87	52 FR 23937
Final Action Effective	07/26/87	52 FR 26295

Small Entity: No

Additional Information: Abstract Cont: There are no alternatives that would be less burdensome than the rule in

addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6963

RIN: 3068-AA31

3729. ● PROCEDURES FOR MONITORING BANK SECRECY ACT COMPLIANCE

Significance: Agency Priority

Legal Authority: 31 CFR 103; 5 USC 553; 12 USC 1464; 12 USC 1730; 31 USC 5311 to 5322; PL 99-570, Sec 1359

CFR Citation: 12 CFR 563.17-7, (new section)

Legal Deadline: Statutory, January 27, 1987. Immediate adoption of this final rule is necessary to comply with the requirements of section 1359 of the Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, which requires the Bank Board to promulgate regulations to take effect by January 27, 1987.

Abstract: The Bank Board adopted this final rule to require regulated institutions to establish and maintain a program designed to assure and monitor compliance with the requirements of the Bank Secrecy Act and the implementing regulations promulgated thereunder by the Department of the Treasury. An institution's compliance program must, at a minimum, consist of a system of internal controls to assure ongoing compliance and provide for independent testing of compliance by the institution's personnel or by an outside party. The institution shall also designate an individual responsible for coordinating and monitoring day-to-day compliance and provide training for appropriate personnel.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
Final Action	01/27/87	52 FR 2858
Final Action Effective	01/27/87	52 FR 2858

Small Entity: No

Agency Contact: John Downing, Assistant Director, Office of Enforcement, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 653-2604

RIN: 3068-AA32

3730. ● FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, SETTLEMENT OF INSURANCE

Legal Authority: 12 USC 1724 to 1730g

CFR Citation: 12 CFR 564.0, (new section); 12 CFR 564.1; 12 CFR 564.2; 12 CFR 564.3; 12 CFR 564.4; 12 CFR 564.5; 12 CFR 564.6; 12 CFR 564.7; 12 CFR 564.8; 12 CFR 564.9; 12 CFR 564.10; 12 CFR 564.11

Legal Deadline: None.

Abstract: The Bank Board proposed comprehensive revisions to its regulations pertaining to insurance of accounts. The proposal would reorganize those regulations in order to clarify their operation, simplify and expedite the insurance settlement procedure, and limit potential abuses and evasions of the insurance coverage limitations. Experience with payment of insurance on accounts in defaulted institutions since the original April 1985 proposal has brought to the attention of the Bank Board issues not fully addressed by the proposed regulations. The Bank Board believes that the most appropriate way to address such issues is to develop revised proposed changes to the Insurance Regulations and seek comment on them. Development of such revised changes also would give the Bank Board an opportunity to work with the Federal Deposit Insurance Corporation in an effort to promulgate Insurance Regulations, which are uniform to the extent possible. Consequently, the Bank Board hereby withdraws the proposed revisions to its Insurance Regulations. The proposed rule would have applied equally to all insured institutions. (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/07/85	50 FR 19185
NPRM Comment Period End	06/28/85	50 FR 19185
Withdrawn	03/19/87	52 FR 8611

Small Entity: No

Additional Information: Abstract Cont'd. There are no alternatives that would have been less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry were not quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Jerome Edelstein, Assistant Director, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-7057

RIN: 3068-AA33

3731. ● MEMBERSHIP IN FEDERAL HOME LOAN BANKS

Legal Authority: 12 USC 1424; 12 USC 1426; 12 USC 1427; 28 USC 1332

CFR Citation: 12 CFR 523.3-2; 12 CFR 523.3-3; 12 CFR 523.10; 12 CFR 523.11; 12 CFR 523.12; 12 CFR 523.29

Legal Deadline: None.

Abstract: The Bank Board proposes to amend its Federal Home Loan Bank System regulations to provide a method for determining appropriate Federal Home Loan Bank ("Bank") district membership for all institutions eligible to become Bank members. Under the amendment, an institution could become a member only in the Bank district in which it maintained its principal office, normally as shown in its charter, unless the Principal Supervisory Agent were to determine that membership was inconsistent with the actual location of control over the institution's records or operations. The amendment would eliminate an option that allows an institution to become a member of a Bank outside the district in which its home office is located by naming a state in which it does substantial business as its principal place of business in accordance with the provisions of 28 USC 1332(c). Institutions that have taken advantage of the current option could choose to be grandfathered, but would be immune from future application of a procedure for the mandatory transfer of membership established in the proposal. The proposed rule would

apply equally to all insured institutions. (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	52 FR 3450
NPRM Comment Period End	04/06/87	52 FR 3450
Final Action	08/13/87	52 FR 30140
Final Action Effective	10/13/87	52 FR 30140

Small Entity: No

Additional Information: Abstract Cont: There are no alternatives, other than commencement of individual enforcement actions that would achieve the Board's objectives.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Jonathan Curtis, Program Analysis Development Division, Office of the District Banks, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 377-6709**

RIN: 3068-AA34

3732. ● REGULATION OF EQUITY RISK INVESTMENTS BY INSURED INSTITUTIONS; DIRECT INVESTMENTS, CERTAIN LAND LOANS AND CERTAIN NONRESIDENTIAL CONSTRUCTION LOANS

Legal Authority: 12 USC 1421 to 1429; 12 USC 1464; 12 USC 1724 to 1730

CFR Citation: 12 CFR 563.9-8; 12 CFR 563.13; 12 CFR 563.13-2; 12 CFR 563.37; 12 CFR 563.38

Legal Deadline: None.

Abstract: The Bank Board amended its regulation concerning investment in equity securities, real estate, service corporations, and operating subsidiaries by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. This amendment expands the scope of the current direct investment regulation to include land loans and nonresidential construction loans with loan-to-value ratios greater than 80 percent. This rule also amends the diversification requirement for investment in a single real estate project applicable under the direct investment rule. The amendment provides that no institution may invest, without prior supervisory approval, in any one real estate project an amount greater than its applicable aggregate loans-to-one-borrower limitation set forth in 12 CFR 563.9-3. Finally, the rule amends the Bank Board's regulatory capital regulation to require incremental capital of up to 10 percent for all equity risk investments including, in addition to direct investments, land loans and nonresidential construction loans with loan-to-value ratios greater than 80 percent. The rule would apply equally to all insured institutions. (cont)

Timetable:

Action	Date	FR Cite
Final Action	06/25/87	52 FR 23787
Final Action Effective	07/27/87	52 FR 23787

Small Entity: No

Additional Information: Abstract Cont: There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Christina M. Gattuso, Acting Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 377-6649**

RIN: 3068-AA36

[FR Doc. 87-21265 Filed 10-23-87; 8:45 am]

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Federal Register

Monday
October 26, 1987

Part L

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Commission anticipates having under consideration during the period from October 1, 1987 to September 30, 1988 actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 1100 L Street, NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (April, 1987). This list will be made available to the press and interested groups.

Joseph C. Polking,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3733	Public Information - Freedom of Information Act	3072-AA12
3734	Costs of Proceedings	3072-AA45
3735	Information Required for Section 18 Study	3072-AA50
3736	Independent Action - Miscellaneous Provisions	3072-AA53
3737	Information Form for Agreements: Miscellaneous Amendments	3072-AA55
3738	Automated Tariff Filing	3072-AA61
3739	Common and Contract Carriage - Miscellaneous Provision	3072-AA63
3740	Index of Documents for Agreements	3072-AA64
3741	User Fees to Recover Agency Costs	3072-AA70
3742	Miscellaneous Amendments to Regulations Implementing Section 19 of the Merchant Marine Act of 1920	3072-AA75
3743	Financial Responsibility of Passenger Vessel Operators for Non-Performance	3072-AA78
3744	Independent Action - Miscellaneous Provisions	3072-AA83
3745	Public Information - Miscellaneous Amendments	3072-AA84
3746	Rates Quoted Subject to Booking	3072-AA86
3747	Terminal Agreements and Leases - Exculpatory Provisions	3072-AA92
3748	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades	3072-AA93
3749	Service Contract Provisions; Most Favored Shippers and Liquidated Damages Clauses	3072-AA95
3750	Practices of Common Carriers Regarding Payment of Inland Divisions Petition for Rulemaking	3072-AA99
3751	Service Contracts - Most Favored Shipper and Liquidated Damages Provisions - Petition for Rulemaking	3072-AB00

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3752	Regulation of Agreements of Domestic Carriers - Miscellaneous Amendments	3072-AA68
3753	Tariff Publication of Free Time and Detention Charges Applicable to Carrier Equipment Interchanged With Shippers or Their Agents (Docket 85-19)	3072-AA73
3754	Conference Service Contract Authority	3072-AA87
3755	Service Contract Record Retention and Production of Documents	3072-AA97

FMC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3756	Marine Terminal Agreements	3072-AA48
3757	Service Contracts	3072-AA62
3758	Inquiry Concerning Interpretations of Sections 8(a) and 8(c), Shipping Act of 1984; Excepted Commodities	3072-AA65
3759	Ocean Freight Forwarders - Miscellaneous Amendments	3072-AA69
3760	Attorneys Fees in Reparation Proceedings	3072-AA72
3761	Definition of "Joint Service/Consortium"	3072-AA76
3762	Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984	3072-AA88
3763	Rules Implementing the Equal Access to Justice Act	3072-AA90
3764	Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984	3072-AA91
3765	Rules Implementing Program Fraud Civil Remedies Act of 1986	3072-AA94
3766	Automobile Measurement Rule	3072-AA98
3767	Filing of Comments Pertaining to Agency Meetings	3072-AB01
3768	FOIA Reform Act Implementation	3072-AB02

FEDERAL MARITIME COMMISSION (FMC) — Prerule Stage

3733. PUBLIC INFORMATION - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(b)(4); 46 USC app 841(a)

CFR Citation: 46 CFR 503

Legal Deadline: None

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable:

Action	Date	FR Cite
End Review	01/01/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA12

3734. COSTS OF PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Legal Deadline: Statutory, September 20, 1989.

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite
End Review	06/01/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA45

3735. INFORMATION REQUIRED FOR SECTION 18 STUDY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717(a)

CFR Citation: 46 CFR (New)

Legal Deadline: Statutory, September 20, 1989. Legal deadline applies to information to be compiled, not necessarily by a rulemaking.

Abstract: Section 18(a) of the Shipping Act of 1984 requires the Commission to collect information concerning the impact of the Act upon the international ocean shipping industry for a period of 5 years ending on March 20, 1989. To the extent such data are not available, this review will consider Commission rules or orders to develop such information from the regulated industry.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
End Review	09/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA50

3736. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 46 USC 553; 46 USC app 1704; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Section 5(b)(8) of the Shipping Act of 1984 requires that conference members be allowed to take independent rate action under certain conditions. The Commission is considering a rule to require accurate reporting and to clarify other situations with regard to this statutory right.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	03/00/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime

Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072-AA53

3737. INFORMATION FORM FOR AGREEMENTS: MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1705; 46 USC app 1716

CFR Citation: 46 CFR 572.405; 46 CFR 572, Appendix A

Legal Deadline: None.

Abstract: The information form that must accompany certain types of agreements filed under 46 CFR Part 572 may need to be amended to ensure Commission jurisdiction and to show the affiliates of the filing parties.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	03/00/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072-AA55

3738. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Legal Deadline: None.

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce paperwork and other burdens. An Industry Advisory Committee is assisting the Commission in the project.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to form Advisory Committee	04/12/85	50 FR 14453
Notice of Second Meeting	05/19/86	51 FR 18376
Notice of Third Meeting	10/21/86	51 FR 37347
End Review	01/00/88	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072-AA61

3739. COMMON AND CONTRACT CARRIAGE - MISCELLANEOUS PROVISION

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 841a; 46 USC app 1702; 46 USC app 1716

CFR Citation: 46 CFR 510; 46 CFR 515; 46 CFR 525; 46 CFR 550; 46 CFR 552; 46 CFR 553; 46 CFR 560; 46 CFR 572; 46 CFR 580

Legal Deadline: None.

Abstract: This review will attempt to clarify the status of common carriers vis-a-vis contract carriers and provide reasonable regulations for operations by common carriers subject to the shipping statutes.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	06/00/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072-AA63

3740. INDEX OF DOCUMENTS FOR AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Legal Deadline: None.

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. This requirement is being considered along with requirements to file minutes and other reports and with record retention provisions.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	03/00/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072-AA64

3741. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None.

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	09/01/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072-AA70

3742. MISCELLANEOUS AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 19 OF THE MERCHANT MARINE ACT OF 1920

Legal Authority: 5 USC 553; 46 USC app 876(1)(b); 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 585

Legal Deadline: None.

Abstract: Review would determine necessity of updating the regulations to implement Section 19 of the Merchant Marine Act of 1920.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	06/01/88	

Small Entity: No

FMC

Prerule Stage

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA75

3743. FINANCIAL RESPONSIBILITY OF PASSENGER VESSEL OPERATORS FOR NON-PERFORMANCE

Legal Authority: 5 USC 553; 46 USC app 817e; 46 USC app 841a; 46 USC app 1716

CFR Citation: 46 CFR 540

Legal Deadline: None.

Abstract: Review would attempt to develop a formula for the amount of bond required to ensure financial responsibility of passenger vessel operators for non-performance.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	03/01/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA78

3744. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None.

Abstract: Review would attempt to analyze certain conference practices to ensure that they do not unduly inhibit the right of individual members to take independent action as provided by the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	06/01/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA83

3745. PUBLIC INFORMATION - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 552b; 5 USC 553; EO 12356

CFR Citation: 46 CFR 503

Legal Deadline: None.

Abstract: Review would determine need to update regulations relating to Freedom of Information, Privacy and Sunshine Acts.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/86	
End Review	03/01/88	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA84

3746. RATES QUOTED SUBJECT TO BOOKING

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814 to 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 550; 46 CFR 580

Legal Deadline: None.

Abstract: Review would determine the necessity of regulations governing the parties of quoting rates subject to booking. Related to FMC Spec. Dkt. 1343.

Timetable:

Action	Date	FR Cite
Begin Review	02/14/86	
End Review	06/01/88	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA86

3747. TERMINAL AGREEMENTS AND LEASES - EXCULPATORY PROVISIONS

Significance: Agency Priority

Legal Authority: 46 USC app 801; 46 USC app 814; 46 USC app 816 to 817; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1707; 46 USC app 1709; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 515; 46 CFR 516, (New); 46 CFR 558; 46 CFR 559; 46 CFR 560; 46 CFR 572

Legal Deadline: None.

Abstract: Review would determine whether further regulations are needed with regard to exculpatory provisions in terminal agreements and leases. (Docket No. 86-32).

Timetable:

Action	Date	FR Cite
Petition Noticed in Federal Register	07/10/86	51 FR 25101
Begin Review	08/10/86	
Petition Noticed in Federal Register	12/24/86	51 FR 46694
End Review	11/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA92

3748. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None.

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date	FR Cite
Begin Review	01/09/86	
End Review	06/01/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA93

FMC — Prerule Stage

3749. SERVICE CONTRACT PROVISIONS; MOST FAVORED SHIPPERS AND LIQUIDATED DAMAGES CLAUSES

Legal Authority: 5 USC 553; 46 USC app 1707(c)

CFR Citation: 46 CFR 580

Legal Deadline: None.

Abstract: The Commission is reviewing the service contract regulations to determine the legality of permitting clauses involving liquidated damages or most favored shippers.

Timetable:

Action	Date	FR Cite
Petition for rulemaking	01/22/87	52 FR 2443
Begin Review	01/22/87	52 FR 2443
Extend time for comments	02/11/87	52 FR 4384
End Review	11/01/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA95

3750. ● PRACTICES OF COMMON CARRIERS REGARDING PAYMENT OF INLAND DIVISIONS PETITION FOR RULEMAKING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR IV

Legal Deadline: None.

Abstract: This petition for rulemaking seeks a requirement that ocean common carriers timely pay over inland divisions to surface carriers participating in through movements.

Timetable:

Action	Date	FR Cite
Notice of Filing of Petition for Rulemaking	06/25/87	52 FR 23890
End Review	12/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA99

3751. ● SERVICE CONTRACTS - MOST FAVORED SHIPPER AND LIQUIDATED DAMAGES PROVISIONS - PETITION FOR RULEMAKING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707; 46 USC app 1716

CFR Citation: 46 CFR 581

Legal Deadline: None.

Abstract: This Petition for rulemaking seeks a regulation prohibiting most favored shipper clauses and de minimis liquidated damage clauses in service contracts.

Timetable:

Action	Date	FR Cite
Notice of Filing of Petition for Rulemaking	01/22/87	52 FR 2443
End Review	12/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AB00

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

3752. REGULATION OF AGREEMENTS OF DOMESTIC CARRIERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 801 et seq

CFR Citation: 46 CFR 558 to 569

Legal Deadline: None.

Abstract: The Shipping Act, 1916, after amendment by the Shipping Act of 1984, applies only to domestic operations. In order to properly implement the 1984 Act, the Commission made the essential, limiting changes to its domestic regulations of agreements within the deadline established by the 1984 Act. This review will now determine what further, substantive changes in the domestic agreements may be desirable.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	03/00/87	
NPRM	05/04/87	52 FR 16282
NPRM Comment Period End	06/03/87	52 FR 16282
Supplemental NPRM	08/11/87	52 FR 29708
Final Action	01/00/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA68

3753. TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES APPLICABLE TO CARRIER EQUIPMENT INTERCHANGED WITH SHIPPERS OR THEIR AGENTS (DOCKET 85-19)

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 841a; 46 USC app 844; 46 USC app 1707; 46 USC app 1708; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 550.5; 46 CFR 580.5; 46 CFR 580.7

Legal Deadline: None.

Abstract: Docket 85-19 - Clarification of requirement that terms and conditions, including free time and detention, governing use of carrier-provided equipment by shippers or their agents be published in tariffs and service contracts. (Formal Rulemaking)

FMC — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/08/85	50 FR 32097
NPRM Comment Period End	09/23/85	50 FR 32097
Final Action	01/01/88	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA73

3754. CONFERENCE SERVICE CONTRACT AUTHORITY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Clarifies steamship conference authority over the use of service contracts under the Shipping Act of 1984 (Docket No. 86-16).

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16354
NPRM Comment Period End	07/01/86	51 FR 16354
Final Action	12/01/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA87

3755. SERVICE CONTRACT RECORD RETENTION AND PRODUCTION OF DOCUMENTS

Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1703; 46 USC app 1704; 46 USC app 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1715; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 580

Legal Deadline: None.

Abstract: Docket No. 86-29 - Will require carriers employing service contracts to keep records in U.S. and make them available to FMC upon request.

Timetable:

Action	Date	FR Cite
Correction	02/01/86	51 FR 43267
NPRM	11/13/86	51 FR 41132
NPRM Comment Period End	02/13/87	52 FR 1938
Final Action Effective	08/00/87	
Final Action	09/01/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA97

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

3756. MARINE TERMINAL AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 814; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1705; 46 USC app 1706; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 572; 46 CFR 516; 46 CFR 558; 46 CFR 559; 46 CFR 560

Legal Deadline: None.

Abstract: The Shipping Act of 1984 created new procedures for agreements required to be filed with the Commission. This action will accommodate terminal agreements which may involve both domestic and foreign commerce and establish exemptions for those types of terminal agreements which are not likely to have anti-competitive effects. (Docket 85-10).

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13617
Correction	05/10/85	50 FR 19727
NPRM Comment Period End	06/04/85	50 FR 19727
Final Action	05/19/87	52 FR 18692
Final Action Effective	07/20/87	52 FR 18692

Small Entity: No

Additional Information: This action treats one of the issues in former Docket 83-38 Notice of Inquiry and Intent to Review Regulation of Ports and Marine Terminal Operators (RIN - 3072-AA30).

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA48

3757. SERVICE CONTRACTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 581; 46 CFR 580.7

Legal Deadline: None.

Abstract: Service Contract Rule at 46 CFR 580.7 is being reviewed to: clarify ambiguities and legal distinctions; provide for rational limitations to properly implement the Shipping Act of 1984 and to allow the maximum flexibility of use by carriers so as to promote wider use of service contracts in foreign commerce (Docket No. 86-6).

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 5734
NPRM Comment Period End	05/09/86	51 FR 13535
Final Action	06/26/87	52 FR 23989
Correction	07/22/87	52 FR 27612
Final Action Effective	07/27/87	52 FR 23989

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA62

3758. INQUIRY CONCERNING INTERPRETATIONS OF SECTIONS 8(A) AND 8(C), SHIPPING ACT OF 1984; EXCEPTED COMMODITIES

Legal Authority: 5 USC 553; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1715; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None.

Abstract: Section 8(a)(1) of The Shipping Act of 1984 exempts from tariff filing certain commodities such as bulk cargo, forest products, recycled metal scrap, waste paper and paper waste. This review will clarify the legal consequences of conferences which agree to fix rates on such commodities. (Docket No. 85-6)

Timetable:

Action	Date	FR Cite
ANPRM	03/18/85	50 FR 10807
Extend comment time to 05/17/85	04/10/85	50 FR 14122
ANPRM Comment Period End	04/17/85	50 FR 10807
Withdrawn	05/12/87	52 FR 17767

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA65

3759. OCEAN FREIGHT FORWARDERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 510

Legal Deadline: None.

Abstract: Various amendments to 46 CFR Part 510 are being considered to clarify Ocean Freight Forwarder regulations and to better implement the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
Petition noticed in Federal Register	04/28/86	51 FR 15834
Petition Denied	04/27/87	
Reconsideration Requested	05/27/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA69

3760. ATTORNEYS FEES IN REPARATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 821; 46 USC app 841a; 46 USC app 1710(g)

CFR Citation: 46 CFR 502

Legal Deadline: None.

Abstract: Section 11(g) of the Shipping Act of 1984 provides for reasonable attorneys' fees in Commission reparation proceedings. The action here would establish Commission policy with regard to eligibility, reasonableness and when to award. (Docket No. 86-27).

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	09/01/86	
NPRM	10/27/86	51 FR 37917
NPRM Comment Period End	12/12/86	51 FR 37917
Final Action	03/03/87	52 FR 6330
Final Action Effective	04/02/87	52 FR 6330

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA72

3761. DEFINITION OF "JOINT SERVICE/CONSORTIUM"

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Clarifies the definition of "Joint Service/Consortium" for purposes of agreement filing regulations.

Timetable:

Action	Date	FR Cite
Withdrawn	05/01/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA76

3762. AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

Legal Authority: 5 USC 553; 5 USC app 1701 to 1707; 5 USC app 1709 to 1710; 5 USC app 1712; 5 USC app 1714 to 1717

CFR Citation: 46 CFR 572.103

Legal Deadline: None.

Abstract: Rule would provide that agreements subject to the Shipping Act of 1984 would affect only future or prospective activities and may not affect past activities or events. FMC Dkt. 85-22.

Timetable:

Action	Date	FR Cite
NPRM	12/17/85	50 FR 51418
NPRM Comment Period End	02/18/86	50 FR 51418
Withdrawn	05/19/87	52 FR 18722

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA88

3763. RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT

Legal Authority: 5 USC 504; 5 USC 553 28 USC 2412

CFR Citation: 46 CFR 502

Legal Deadline: None.

Abstract: Rule would incorporate model provisions developed by the Administrative Conference of the United States into the Commission's regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12208
NPRM Comment Period End	05/15/87	52 FR 12208
Final Action	07/29/87	52 FR 28264
Final Action Effective	08/28/87	52 FR 28264

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime

Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA90

3764. AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Action would completely review agreement regulations to accommodate changes since the enactment of the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/86	
Withdrawn	03/01/87	
End Review	03/01/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA91

3765. RULES IMPLEMENTING PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 5 USC 553

CFR Citation: 46 CFR 502; 46 CFR 505

Legal Deadline: Statutory, April 21, 1987.

Abstract: The Program Fraud Civil Remedies Act of 1986 requires each affected agency to promulgate final regulations by April 21, 1987.

Timetable:

Action	Date	FR Cite
Withdrawn	05/01/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA94

3766. AUTOMOBILE MEASUREMENT RULE

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847

CFR Citation: 46 CFR 550

Legal Deadline: None.

Abstract: The rule would permit carriers in domestic offshore commerce to rate automobiles on other than a weight or cube measurement basis.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	09/29/86	51 FR 34502
NPRM	02/09/87	52 FR 4040
NPRM Comment Period End	03/11/87	52 FR 4040
Final Action	07/15/87	52 FR 26477
Final Action Effective	08/14/87	52 FR 26477

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA98

3767. ● FILING OF COMMENTS PERTAINING TO AGENCY MEETINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716 (a)

CFR Citation: 46 CFR 502; 46 CFR 503

Legal Deadline: None.

Abstract: The action amends Commission rules implementing the Government in the Sunshine Act to establish a cutoff date for filing comments, information, etc. on matters scheduled for consideration at an agency meeting. Docket No. 87-8.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12212
NPRM Comment Period End	05/15/87	52 FR 16418
Final Action	07/17/87	52 FR 27001
Final Action Effective	07/17/87	52 FR 27001

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AB01

3768. ● FOIA REFORM ACT IMPLEMENTATION

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 552b; 5 USC 553; EO 12356

CFR Citation: 46 CFR 503

Legal Deadline: Statutory, April 25, 1987.

Abstract: This action incorporates recent changes to the Freedom of Information Act regarding requests for agency enforcement records and fees for search, review and duplication of records. Docket No. 87-5.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8628
NPRM Comment Period End	04/08/87	52 FR 9756
Final Action	04/24/87	52 FR 13681
Final Action Effective	05/26/87	52 FR 13681

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AB02

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Monday
October 26, 1987

Part LI

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Notice of Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this Agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1987, through April 1, 1988. The next Semiannual Agenda will be published in April 1988.

DATE: Comments about the form or content of the Agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its October 1987 Agenda as part of the October 1987 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's Agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous Agenda, and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3769	Regulation: E - Electronic Fund Transfers	7100-AA77
3770	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System	7100-AA68
3771	Regulation: K - International Banking Operations	7100-AA67
3772	Regulation: P - Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks	7100-AA69
3773	Regulation: T - Credit by Brokers and Dealers	7100-AA72
3774	Regulation: T - Credit by Brokers and Dealers	7100-AA80
3775	Regulation: Y - Bank Holding Companies and Change in Bank Control	7100-AA41
3776	Regulation: Z - Truth in Lending	7100-AA81

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3777	Regulation: D - Reserve Requirements of Depository Institutions (Docket Number: R-0571)	7100-AA62
3778	Regulation: F - Securities of State Member Banks (Docket Number: R-0609)	7100-AA82
3779	Regulation: K - International Banking Operations (Docket Number: R-0550)	7100-AA58
3780	Regulation: Q - Interest on Deposits (Docket Number R-0514)	7100-AA56
3781	Regulation: T - Credit by Brokers and Dealers (Docket Number R-0611)	7100-AA71
3782	Regulation: U - Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (Docket Number: R-0608)	7100-AA83
3783	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0536)	7100-AA51
3784	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
3785	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0567)	7100-AA66
3786	Regulation: Z - Truth in Lending (Docket Number R-0545)	7100-AA50
3787	Proposed Guidelines Regarding the Bank Bribery Act (Docket Number: R-0603)	7100-AA84
3788	Further Proposals to Reduce Risks on Large-Dollar Wire Transfer Systems (Docket Numbers: R-0587 through R-0592)	7100-AA76
3789	Rules Regarding Availability of Information (Docket Number: R-0601)	7100-AA73

FRS

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3790	Regulation: E - Electronic Fund Transfers (Docket Number: R-0578)	7100-AA60
3791	Regulation: T - Credit by Brokers and Dealers (Docket Number R-0600)	7100-AA70
3792	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0572)	7100-AA74
3793	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0595)	7100-AA78

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

3769. REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Abstract: During the next six months, the Board will conduct a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of technological developments. Public comment will be requested on any proposals that may be developed following the review. It is not anticipated that revisions would have significant impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation E during the next six months	04/00/88	

Small Entity: No

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100-AA77

3770. REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Legal Authority: 12 USC 321

CFR Citation: 12 CFR 208.8(e)

Abstract: The Board will consider issuing for comment an amendment to Regulation H designed to provide a decrease of approximately 20,000 burden hours in paperwork, as requested by the Office of Management and Budget. The regulation would be amended to raise the exemption from various record-keeping requirements in Regulation H for securities transactions, conducted by banks, from 200 to 1,000 transactions per year for customers over the prior three-calendar-year period, exclusive of transactions in U.S. government and federal agency obligations. This action would diminish burdens on smaller state member banks; therefore, the amendment would have no adverse effect on small banks.

This issue will be presented to the Board upon promulgation by the Department of the Treasury of final regulations concerning government securities transactions.

Timetable:

Action	Date	FR Cite
Board will consider amending Regulation H within the next six months	04/00/88	

Small Entity: No

Agency Contact: Robert S. Plotkin, Assistant Director, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2782

RIN: 7100-AA68

3771. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 601 et seq

CFR Citation: 12 CFR 211

Abstract: The Board will consider an amendment to its regulation governing the establishment of foreign operating subsidiaries by member banks. The amendment would eliminate the requirement in section 211.3(b)(9) of Regulation K that a member bank's operating subsidiary be established only where required by local law or regulation. The revision is intended to promote the efficiency of member banks' foreign operations. Because the revision would remove a restriction, it is not anticipated that comment will be requested.

The proposal would not have a significant economic impact on a substantial number of small businesses because it affects only U.S. banks operating abroad.

Timetable:

Action	Date	FR Cite
Final Action by	04/00/88	

Small Entity: No

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100-AA67

3772. REGULATION: P - MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 216

Abstract: During the next six months, the Board will conduct a zero-based review of Regulation P, which implements the Bank Protection Act of 1968, and establishes minimum security standards for Federal Reserve banks and for state member banks. The review will consider whether any provisions of the regulation are outdated and whether any substantive changes are necessary because of new technological developments. The regulation will also be reorganized and revised for simplicity and clarity. Public comment will be requested following the zero-based review. It is not anticipated that the revised regulation will have a significant impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation P during the next months	04/00/88	

Small Entity: No

Agency Contact: Barbara Lowrey, Associate Secretary, Federal Reserve System, Office of the Secretary, 202 452-3742

RIN: 7100-AA69

3773. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: During the next six months the Board may consider proposing amendments to Regulation T to accommodate settlement and clearance of foreign securities in accounts covered by Regulation T. A request has been made that amendments be proposed because of the growing internationalization of the securities markets. It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review proposal to amend Regulation T	04/00/88	

Small Entity: No

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA72

3774. ● REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange of 1934, as amended; 15 USC 78w Securities Exchange of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: During 1987 the Board may review a proposal made by a broker-dealer to amend the definition of "OTC margin bond" in Regulation T. The purpose would be to permit marginability of foreign sovereign debt securities.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review proposal to amend Regulation T	11/00/87	

Small Entity: No

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA80

3775. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: A provision of Regulation Y permits a state bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under state law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

The Board plans to review this provision of the regulation in the near future. A determination to reverse the rule could have an adverse impact on many small banks that are subsidiaries of holding companies because they might be required to (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board will review further by	04/00/88	

Small Entity: Yes

Additional Information: ABSTRACT CONT: restructure their nonbanking activities or to take other action.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Legal Division, Federal Reserve System, 202 452-3430

RIN: 7100-AA41

3776. ● REGULATION: Z - TRUTH IN LENDING

Legal Authority: PL 100-86 Competitive Banking Equality Act of 1987

CFR Citation: 12 CFR 226

Abstract: During the next month the Board will consider a proposed amendment to Regulation Z to implement Title XII, section 1204 of the Competitive Equality Banking Act of 1987. The law was enacted August 10,

1987 and will become effective December 8, 1987.

The proposed regulatory amendment implements the recently enacted law which requires creditors to include a maximum interest rate limitation on adjustable rate mortgage loans. It is not anticipated that the proposal would have a significant impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider an amendment to Regulation Z by	10/00/87	

Small Entity: No

Agency Contact: Adrienne Hurt, Staff Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3867**

RIN: 7100-AA81

FEDERAL RESERVE SYSTEM (FRS) — Final Rule Stage

3777. REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (DOCKET NUMBER: R-0571)

Legal Authority: 12 USC 248(k); 12 USC 461(a)

CFR Citation: 12 CFR 204

Abstract: In May 1986, the Board issued for comment rules to clarify the definition of "deposit" in Regulation D to include the interest or liability associated with a borrowing in the form of certain sales of assets and related transactions by a depository institution (51 FR 16855, May 7, 1986). These transactions include a sale of assets that involves a full guarantee by the institution that, in effect, substitutes the institution's credit standing for that of the ultimate borrower and in which the institution retains the risk of borrower default after the asset is sold.

Further, the regulation currently treats obligations of an affiliate as deposits of the depository institution to the extent the proceeds are provided to the depository institution. The Board proposes to exclude proceeds received from a sale of assets without recourse to the affiliate. The proposal also would clarify the application of Regulation D to certain of these transactions involving organizations effectively controlled by the depository institution even though not formally affiliated. Finally, the proposal would (CONT)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation D	05/07/86	51 FR 16855
Comment period extended	07/10/86	51 FR 25069
Further Board action by	04/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: clarify how the Board measures the "maturity" of an obligation for the purposes of Regulation D. The proposal requests comment on any alternatives that the public believes may be preferable to the Board's proposed amendments. Suggested alternatives will be considered when comments are analyzed.

The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative impact on the ability of small depository institutions to attract deposits.

The Board will review the comments and take further action within the next six months.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100-AA62

3778. ● REGULATION: F - SECURITIES OF STATE MEMBER BANKS (DOCKET NUMBER: R-0609)

Legal Authority: 15 USC 78g Securities Exchange of 1934

CFR Citation: 12 CFR 206

Abstract: In August 1987, the Board issued for comment a proposal to amend Regulation F to require publicly held state member banks to file information with the Board on the forms nonbanking entities use to file with the Securities and Exchange Commission ("SEC") (52 FR 30690, August 17, 1987). Pursuant to section 12(i) of the Securities Exchange Act of 1934, the Board is mandated to issue disclosure regulations that are substantially identical to the SEC's disclosure regulations under that Act, or to publish reasons why the Board's rules are not substantially identical to those of the SEC.

Adoption of the proposal is not expected to have a significant economic impact, since only 36 banks are presently subject to Regulation F. The proposal would impose an audit requirement upon state member banks subject to Regulation F, but this burden is minimal because 33 of the banks currently subject to Regulation F presently receive annual audits.

Timetable:

Action	Date	FR Cite
Board requested comment	08/17/87	52 FR 30690
Further Board consideration by	04/00/88	

Small Entity: No

Agency Contact: Walter McEwen, Attorney, Federal Reserve System, Legal Division, **202 452-3321**

RIN: 7100-AA82

3779. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0550)

Legal Authority: 12 USC 611 et seq

CFR Citation: 12 CFR 211

Abstract: In August 1985, the Board published for comment proposed regulations that would restrict lending by an Edge Corporation to its affiliates where the Edge Corporation is not subject to the restrictions of section 23A of the Federal Reserve Act (12 USC 371c) because it is not owned by a U.S. insured bank (50 FR 35238, August 30, 1985). In taking this action, the Board noted the increasing number of owners

of Edge Corporations that are not subject to federal banking supervision and the potential adverse effects that might result from such affiliations, such as the impairment of the Edge's ability to act as an impartial arbiter of credit. The Board requested comment on the effect of the proposal on existing Edge Corporations, especially those owned by foreign banks and whether any exemptions from the restrictions are appropriate.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies only to organizations involved in international banking. (CONT)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	08/30/85	50 FR 35238
Further Board action by	04/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: The Board will review the comments and take further action within the next six months.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100-AA58

3780. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: In January 1986, the Board issued for comment proposals to clarify, update, and simplify the advertising provisions of Regulation Q (51 FR 1379, January 13, 1986). The revisions incorporate and supersede the proposals of March 1984 concerning advertising of split-rate deposits and IRA/Keogh (HR 10) Plan accounts. The proposal is not expected to have a significant adverse effect on small banks.

The Board will review the comments and is expected to take further action within the next four months.

It is also anticipated that the Board will consider at that time various options with regard to providing written disclosures to consumers about their accounts.

Timetable:

Action	Date	FR Cite
Board proposed revisions	01/13/86	51 FR 1379
Further Board action by	02/00/88	

Small Entity: No

Agency Contact: Patrick J. McDivitt, Attorney, Federal Reserve System, Legal Division, 202 452-3818

RIN: 7100-AA56

3781. REGULATION: T - CREDIT BY BROKERS AND DEALERS (DOCKET NUMBER R-0611)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: On August 20, 1987, the Board requested comment on a proposed amendment to Regulation T that would permit broker-dealers to facilitate the exercise of valuable employee stock options by employees. In lieu of the securities to be received upon exercise of the option, the proposed amendment would allow the broker-dealer to accept a fully-endorsed employee stock option and instructions to the employer to deliver the securities to the broker-dealer. The Board will review the comments and consider the matter further within the next three months. It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board proposed an amendment to Regulation T	08/20/87	
Further Board action by	11/00/87	

Small Entity: No

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA71

3782. ● REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS (DOCKET NUMBER: R-0608)

Legal Authority: 15 USC 78g Securities Exchange of 1934, as amended; 15 USC 78w Securities Exchange of 1934, as amended

CFR Citation: 12 CFR 221

Abstract: In August 1987, the Board requested comment on a proposed amendment to Regulation U that would exempt banks making loans of $100,000 or under from the requirement that Form FR U-1 must be executed, and amend the form to reflect this change (52 FR 29701, August 11, 1987). The purpose is to reduce the paperwork burden associated with the preparation of Form FR U-1 which is currently required whenever a bank makes a loan secured by "margin stock."

It is anticipated that this proposal will reduce paperwork burden on small banks and, therefore, will have no adverse economic impact on a substantial number of small entities. The Board will review the public comments and is expected to take further action within the next two months.

Timetable:

Action	Date	FR Cite
Board proposed an amendment to Regulation U	08/11/87	52 FR 29701
Further Board action by	11/00/87	

Small Entity: Yes

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA83

3783. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0536)

Legal Authority: 12 USC 1841 et seq Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested comment as to whether it should permit bank holding companies that own nonbank banks to provide them with internal administrative services and to establish management

interlocks with them (50 FR 2057, January 15, 1985). ("Nonbank banks" are institutions that are chartered as banks but either do not accept demand deposits or do not make commercial loans.) The Board took this action to resolve a number of questions that had been raised regarding the appropriate scope of relationships between nonbank banks and their affiliates. It is likely that any action the Board might take would primarily affect larger bank holding systems and would relax a requirement or prohibition. Therefore, it is expected that any Board action would not have a significant economic impact on a substantial number of small entities.

The Board suspended further consideration of nonbank bank applications by bank holding companies, pending a definitive resolution, through pending litigation, of the status of nonbank banks.

Timetable:

Action	Date	FR Cite
Board requested comment	01/15/85	50 FR 2057
Awaiting Court Action	00/00/00	

Small Entity: No

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA51

3784. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Abstract: In December 1986, the Board requested public comment on a proposal to permit bank holding companies to engage in real estate investment activities within certain limits (52 FR 543, January 7, 1987). The proposed limits are designed to ensure that conduct of the activity does not result in unsafe or unsound practices, unfair competition, conflicts of interest or other adverse effects.

The Board requested public comment on a number of specific items, including whether real estate investment activities may be deemed to be closely related to banking and a proper incident thereto for purposes of section 4(c)(8) of the Bank Holding Company Act; whether the proposed limits on the size, scope and manner in which the activity would be conducted are appropriate; whether nonbank companies owned by holding company banks should be permitted or prohibited from conducting these activities; and whether the Board should establish special capital requirements for bank holding companies that control banks directly engaged in these activities.

The proposal, if adopted, would permit bank holding (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Board issues proposal for public comment	01/07/87	52 FR 543
Further Board action during the next six months	04/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: companies to engage in limited real estate investment activities that bank holding companies are not now permitted to conduct and would not impose more burdensome requirements on bank holding companies than are currently applicable. Moreover, the proposal includes provisions designed to permit small bank holding companies to participate meaningfully in the proposed activities. The proposal does not impose any limitations on the direct real estate investment activities of holding company banks.

The Board will review the comments and is expected to take further action within the next six months.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA52

3785. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0567)

Legal Authority: 12 USC 3907; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225, Appendix A

Abstract: In January 1986, the Board proposed for comment and amendment to its Capital Guidelines that would provide for a supplemental adjusted capital measure designed to be more systematically and explicitly sensitive to the risk exposure of individual banking organizations. This measure would be based on a ratio of primary capital to total assets adjusted to account for certain types of risks, including many kinds of off-balance-sheet risk. On January 8, 1987, the Board voted to seek public comment on a revised risk-based capital proposal (52 FR 5119, February 19, 1987). This revised proposal represents an effort to coordinate the risk-based capital proposals of the three federal banking agencies with similar capital proposals of the Bank of England, and the proposal is based on a proposed United States/United Kingdom Capital Agreement. The revised proposal contemplates certain adjustments to the definition of capital as well as the placement of assets in certain broad risk categories. In March 1987, the Board sought public comment on an amendment to the risk-based capital proposal to incorporate credit risks on off-balance sheet interest rate and exchange rate (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	01/31/86	51 FR 3976
Comment period extended	04/11/86	51 FR 12865
Board requests comment on revised proposal	02/19/87	52 FR 5119
Board requests comment on	03/24/87	52 FR 9304
Further Board action by	04/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: contracts (including interest rate swaps) into its proposed risk-based capital measures (52 FR 9304, March 24, 1987). The Board has not proposed a specific minimum risk-based ratio at this time, but this proposal is designed to avoid requiring small bank holding companies that operate above the current minimum capital ratio to raise additional capital. Consequently the proposal is not likely to have a

significant impact on smaller banking organizations.

The Board will review the comments on its revised proposal and coordinate with other federal banking agencies and the Bank of England. Further action is expected during the next six months.

Agency Contact: Michael J. O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3288**

RIN: 7100-AA66

3786. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER R-0545)

Legal Authority: 15 USC 1604, as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Abstract: Regulation Z currently requires that creditors provide information to consumers regarding variable rate features in credit transactions. Concern has been expressed in Congress and elsewhere about whether Truth in Lending disclosures adequately convey to consumers the terms and potential costs of adjustable rate mortgages (ARMs).

In November 1986, the Board proposed that creditors make more extensive disclosure of the variable rate feature in transactions secured by the consumer's home (51 FR 42241, November 24, 1986). The proposal would amend the regulation to require that creditors provide consumers general descriptive material about adjustable rate mortgages as well as provide a more detailed description of their variable rate feature along with an example showing the effect of historical changes in a creditor's index over a 15 year period on the payments and balance on a $10,000 loan. The maximum interest rate and payment under the creditor's program for a $10,000 loan would also be stated. Finally, the proposal would require annual notices of interest rate adjustments and prior notice of payment (CONT)

Timetable:

Action	Date	FR Cite
Board proposed amendment	05/15/85	50 FR 20221
Revised proposal issued for comment	11/24/86	51 FR 42241
Further Board action by	10/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: adjustments.

The Board is concerned about creditor burdens of compliance with the overlapping and duplicative disclosures in this area. This proposal was recommended to the Board and to the Federal Home Loan Bank Board (FHLBB) and the Comptroller of the Currency (OCC) in response to the concern for uniform federal ARMs disclosure regulations. The Board believes that adoption of the proposal by the Board (and by the FHLBB and OCC) will eliminate the present problem with inconsistent federal ARMs disclosure regulations.

If the Board adopts this proposal, mortgage creditors, including small businesses engaged in mortgage lending, could incur some costs in revising and reprinting forms, and changing certain procedures to comply with the requirement. Before any final action, the Board would consider appropriate actions to minimize the burdens and costs of compliance. Further Board action is expected within the next two months.

Agency Contact: Michael Bylsma, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA50

3787. ● PROPOSED GUIDELINES REGARDING THE BANK BRIBERY ACT (DOCKET NUMBER: R-0603)

Legal Authority: 18 USC 215(d) Bank Bribery Amendments Act of 1985

CFR Citation: 00 CFR None

Abstract: As required by the Bank Bribery Amendments Act of 1985, the Board has proposed guidelines that encourage all state member banks and bank holding companies to adopt internal codes of conduct or written policies or amend their present codes of conduct or policies to describe the prohibitions contained in the Bank Bribery Act. The Bank Bribery Act prohibits anyone, including a financial institution's employees, officers, directors, agents or attorneys, from corruptly soliciting or accepting anything of value in connection with the business of the financial institution. The Board's proposed guidelines also identify situations that, in the opinion of the Board, may not constitute violations of the Bank Bribery Act. The Board seeks public comment on whether the establishment by the Board of specific dollar ranges of certain acceptable business entertainment and expenses would be appropriate. The proposed guidelines are not expected to have a significant impact on small banking entities. The Board will review the comments and is expected to take further action within the next two months.

Timetable:

Action	Date	FR Cite
Board requested comment	05/22/87	52 FR 19396
Further Board action	10/00/87	

Small Entity: No

Agency Contact: Herbert A. Biern, Assistant Director, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2620**

RIN: 7100-AA84

3788. FURTHER PROPOSALS TO REDUCE RISKS ON LARGE-DOLLAR WIRE TRANSFER SYSTEMS (DOCKET NUMBERS: R-0587 THROUGH R-0592)

Legal Authority: 12 USC 221 et seq

CFR Citation: 00 CFR None

Abstract: In December 1986, the Board requested comment on several proposals that would refine its policy statement on payment system risk (51 FR 45042, December 16, 1986). The proposals include a policy to reduce the risks associated with daylight overdrafts resulting from clearing trades in book-entry securities (R-0587), a proposal to reduce the levels of the sender net debit cap (R-0588), a proposal to reduce the burden on smaller institutions by adopting a "de minimis" cap category (R-0589), proposals regarding consolidation of affiliated institutions for purposes of monitoring compliance with the Board's program (R-0590), modifying automated clearing house transactions to reduce risk (R-0591), and various proposals to charge a fee for daylight overdrafts as a way of reducing risks associated with them (R-0592).

In July 1987, the Board after reviewing public comments, adopted an Interim Policy Statement on Payment System Risk that incorporated the proposals issued under Docket Nos. R-0587 through R-0590, as modified by the Board (52 FR 29255), August 6, 1987;

FRS

Final Rule Stage

Docket No. R-0607). The Board will consider Docket (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	12/16/86	51 FR 45042
Interim Board action	08/06/87	52 FR 29255
Further Board action by	04/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: No. R-0591 in the Fall of 1987 and Docket No. R-0592 in the Spring of 1988. Further, the Board will be conducting a zero-based review of its risk reduction policy during 1988.

It is not expected that these proposals would have a significant economic impact on a substantial number of small entities, because small entities do not usually participate in large-dollar wire transfer systems. While small entities do participate in automated clearing houses, the Board's proposal in this area is primarily procedural, and not likely to have a significant economic impact on ACH participants.

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100-AA76

3789. RULES REGARDING AVAILABILITY OF INFORMATION (DOCKET NUMBER: R-0601)

Legal Authority: 5 USC 552; 12 USC 248(i); 12 USC 248(e)

CFR Citation: 12 CFR 261

Abstract: The Board's Rules Regarding Availability of Information are intended in part to fulfill the requirement of section 552 of Title 5 of the United States Code that every Federal agency shall publish in the Federal Register how the public may obtain information, make submittals or requests, and obtain decisions; how the agency's functions are channeled and determined; its rules of procedure and descriptions of forms available and the places where they may be obtained. The Board is reviewing public comments that have been received and will determine whether to issue as a final rule a proposed revision that simplifies and improves these rules. The revision, issued for public comment in April 1987, reorganizes the rules into appropriate subparts, and clarifies the procedures for requesting access to documents and information, the processing and disposition of such requests, and the procedures regarding the discretionary release of confidential information (52 FR 13458, April 23, 1987).

It is not expected that the proposal, if adopted, will have a significant economic impact on a substantial number of (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	04/23/87	52 FR 13458
Board will consider adoption of final rules by	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: small entities that would be subject to the regulation.

Agency Contact: Stephen L. Siciliano, Special Assistant to the General Counsel, Federal Reserve System, Legal Division, **202 452-3920**

RIN: 7100-AA73

FEDERAL RESERVE SYSTEM (FRS)

Completed Actions

3790. REGULATION: E - ELECTRONIC FUND TRANSFERS (DOCKET NUMBER: R-0578)

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Abstract: In August 1986, the Board proposed for comment amendments to Regulation E. The proposal addressed the rules that apply when (1) a person that does not hold a consumer's account issues an access device to the consumer for initiating -- at point of sale, for example -- electronic fund transfers (EFTs) that are cleared through the automated clearing house system, and (2) there is no agreement between the service provider and the financial institution holding the consumer's account. Following the review of public comments and further analysis, the Board adopted a final rule on August 5, 1987. The amendments eliminate the requirement that a service provider issue a periodic statement to consumers, summarizing the POS/ACH transfers made, if the service provider: (1) issues a debit card for initiating POS/ACH transfers that bears its name plus an address or telephone number that the consumer can use to report errors and lost or stolen cards, (2) provides information to the account-holding institution so that the latter can describe the transactions in accordance with Regulation E, and (3) gives certain disclosures and extends the time available to (CONT)

Timetable:

Action	Date	FR Cite
Board issued for comment a proposal to amend Regulation E	08/08/86	51 FR 28589
Board adopted the proposal	08/18/87	52 FR 30904

Small Entity: Yes

Additional Information: ABSTRACT CONT: the consumer for reporting errors and lost or stolen debit cards. The amendments also require an account-holding institution to describe these POS/ACH transfers on consumers' periodic statements in accordance with Regulation E.

The amendments take effect on November 15, 1987. To facilitate compliance for account-holding institutions, however, disclosure of the terminal location on periodic statements will not be required until July 1, 1990. Also, institutions with assets of $25 million or less will not have to comply with any periodic statement requirement applicable to these POS/ACH transfers until July 1, 1990.

The changes are expected to facilitate the development of point-of-sale EFT services without imposing substantial compliance costs on financial

institutions and without significantly reducing consumer protections.

Agency Contact: Gerald P. Hurst, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA60

3791. REGULATION: T - CREDIT BY BROKERS AND DEALERS (DOCKET NUMBER R-0600)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: In April 1987, the Board requested comment on a proposed amendment to Regulation T that would permit brokers and dealers to extend credit on a good faith basis on any "mortgage related security" -- a term defined in the Secondary Mortgage Market Enhancement Act of 1984 (52 FR 13458, April 23, 1987). The amendment would add a "mortgage related security" to the existing definition of "OTC margin bond." Following review of public comments, the Board approved the amendment on August 20, 1987.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board proposed amendment to Regulation T	04/23/87	52 FR 13458
Board adopted an amendment to Regulation T	08/20/87	

Small Entity: No

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2781**

RIN: 7100-AA70

3792. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0572)

Legal Authority: 12 USC 1841 Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In May 1986, the Board requested comment on whether it should modify, eliminate, or retain the current restrictions it imposes on the operation by a bank holding company of a thrift institution in tandem with the holding company's other subsidiaries (51 FR 18797, May 22, 1986). These conditions were initially imposed after public comment and are designed to maintain the distinction and separation between thrifts and banks. The Board has received requests for relief from these conditions to permit thrifts acquired by bank holding companies to jointly market and sell products and services with other holding company affiliates, cross-advertise the services and products of affiliates, and conduct certain transactions with affiliates.

Few small banks and holding companies are subject to the conditions on tandem operations, and action in this area will not directly affect the operation of a significant number of small entities. However, the Board has requested comment on whether relief from the conditions will affect competition between (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	05/22/86	51 FR 18797
Board made a determination	07/24/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: thrifts owned by bank holding companies and banks and bank holding companies, including small entities, located in the same market.

The Board at its meeting on July 24, 1987, considered this request and, with the exception of approval to join an affiliated ATM switch, determined not to grant the requested relief unless the thrift institution is located in a state in which the parent bank holding company may own a bank.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, **202 452-3430**

RIN: 7100-AA74

3793. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0595)

Legal Authority: 12 USC 1817(j)(13) Bank Holding Company Act

CFR Citation: 12 CFR 225.43

Abstract: In January 1987, the Board proposed amending Regulation Y to implement certain amendments to the Change in Bank Control Act ("CBCA") made by the Anti-Drug Abuse Act of 1986. Under this proposal, notificants under the CBCA would be required to publish an announcement of a proposed acquisition of shares of a bank or bank holding company in a newspaper of general circulation in communities where the bank or bank holding company to be acquired is located (52 FR 3447, February 4, 1987). The proposed regulation provides an exception to the publication requirement where disclosure would threaten the safety or soundness of the bank to be acquired.

As required by the Anti-Drug Abuse Act, the proposed regulation states that the Board shall conduct a background investigation of each notificant under the CBCA and shall make an independent determination of the accuracy and completeness of the information submitted. The Board may also extend processing of the notice under certain circumstances. The proposal is not expected to have a significant economic impact on a substantial number of small entities, and would have the benefit of (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	02/04/87	52 FR 3447
Board adopted amendment	06/17/87	52 FR 23021

Small Entity: No

Additional Information: ABSTRACT CONT: permitting such entities, as well as other members of the public, an opportunity to comment on proposed changes in the control of banks and bank holding companies. In June 1987, following review of the public comments, the Board adopted the proposed regulation without any significant change (52 FR 23021, June 17, 1987).

Agency Contact: Scott G. Alvarez, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3583**

RIN: 7100–AA78

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Monday
October 26, 1987

Part LII

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected event reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several agenda items concern proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented on the rulemaking record in the final consideration of each proceeding.

Agenda items include the projected timing of certain future actions. In most instances the dates of future events are listed by month, not a specific day. Further details may be obtained from the agency contact responsible for a particular proceeding. Discovery of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact responsible for a particular proceeding.

By direction of the Commission.

Emily H. Rock.

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3794	Review of the Funeral Industry Practices Rule	3084-AA05
3795	Mail Order Merchandise	3084-AA19
3796	Review of Content Disclosure Requirements for Textile, Wool, and Fur Products	3084-AA29
3797	Informal Dispute Settlement Procedures	3084-AA30

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3798	Ophthalmic Practice Rules	3084-AA03
3799	Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
3800	Proprietary Vocational and Home Study Schools	3084-AA11
3801	Cooling-Off Period for Door-to-Door Sales	3084-AA18
3802	Review of the Premerger Notification Rules and Report Form	3084-AA23
3803	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3804	Retail Food Store Advertising and Marketing Practices	3084-AA17
3805	Appliance Labeling Rule -- Energy Policy and Conservation Act	3084-AA26

FTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3806	Franchising and Business Opportunities	3084-AA25

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

3794. REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453

Abstract: The funeral industry practices rule, which became effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time of purchase of funeral goods and services. The Rule: (1) requires funeral directors to provide consumers with itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking to determine whether the Rule should be amended or terminated. The staff has begun investigating the current state of the industry to assess the impact of the Rule and to prepare for that proceeding.

Timetable:

Action	Date	FR Cite
Rule Promulgated	09/24/82	47 FR 42260
Begin Review	01/00/87	
ANPRM	10/00/87	
NPRM	04/00/88	
Commission Consideration of Staff Recommendations	10/00/89	

Small Entity: Yes

Agency Contact: Raouf M. Abdullah, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580, 202 326-3024

RIN: 3084-AA05

3795. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Begin Reg Flex Act Review	10/20/83	
End Reg Flex Review	06/10/86	51 FR 20991
Commission Consideration of Staff Recommendations (if appropriate)	04/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Pursuant to Sec. 610 of the Regulatory Flexibility Act, the Commission has reviewed this rule and determined that it has not had a significant economic impact on a substantial number of small entities. In addition, the staff is considering whether the rule should be amended to cover orders placed by telephone or other electronic means. Whether changes to the rule will be proposed will not be determined until the staff's review has been completed.

Agency Contact: Raymond L. Rhine, Federal Trade Commission, Division of Enforcement, Bureau of Consumer

FTC

Prerule Stage

Protection, Washington, DC 20580, 202 326-2973

RIN: 3084-AA19

3796. REVIEW OF CONTENT DISCLOSURE REQUIREMENTS FOR TEXTILE, WOOL, AND FUR PRODUCTS

Legal Authority: 15 USC 68b(d); 15 USC 70j; 15 USC 69f(b)

CFR Citation: 16 CFR 300, (Wool); 16 CFR 301, (Fur); 16 CFR 303, (Textile)

Abstract: The Wool Products Labeling Act of 1939 Requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Textile Fiber Products Identification Act requires each household textile product to bear a label showing the percentage of each fiber contained in the product, using the appropriate generic name for the fiber, and the name of the manufacturer or distributor. Advertisements for textile products must also show the required information if any mention of fiber content is made. Both acts require disclosure of country of origin. The Fur Products Labeling Act requires that all furs and fur products be labeled, invoiced, and advertised to show the true name of the animal that produced the fur, whether the fur is used, dyed, or imported, and the name of the manufacturer or distributor. The three acts, as well as the Commission's rules implementing them, apply to manufacturers, distributors, and retailers of textile, wool, and fur products. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	10/30/86	
Commission Consideration of Staff Recommendations	10/00/87	
NPRM -- Recordkeeping	01/00/88	

Small Entity: Undetermined

Additional Information: The Commission's staff is currently reviewing the information collection requirements contained in the several regulations under the three acts to determine whether enforcement of the statutory requirements can be accomplished with a reduced public burden. As a result of this review, amendments may be proposed.

Agency Contact: James Mills, Federal Trade Commission, 202 326-3035

RIN: 3084-AA29

3797. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Abstract: The Magnuson-Moss Warranty Act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. In accordance with Section 610 of the Regulatory Flexibility Act, The Commission began a review of the rule to examine whether the rule has had a significant economic impact on a substantial number of small entities and to assess whether any changes are needed. For that review, the Commission conducted a regulatory negotiation process in which an advisory committee was charged to recommend to the Commission revisions to the rule that would facilitate the Congressional (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205
Convene Advisory Committee	09/23/86	
Facilitator Report to Commission	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: objective of encouraging warrantors to establish and participate in informal dispute settlement mechanisms. The committee met for the last time on June 17, 1987, and failed to reach a consensus on rule revisions. The Commission and its staff will continue to monitor the impact of the current informal dispute settlement procedures rule.

Agency Contact: Gary Laden, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580, 202 326-3118

RIN: 3084-AA30

FEDERAL TRADE COMMISSION (FTC)

Proposed Rule Stage

3798. OPHTHALMIC PRACTICE RULES

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified several state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of such restrictions on the price, quality and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result. The primary impact of a rule on small businesses could stem from the

increased competition in the vision care industry which can be anticipated as a result of deregulatory effect of the rule. Rule provisions removing certain restraints on commercial ophthalmic practice could enhance competition by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice; or to expand, should they desire to do so. The affirmative requirements of a rule could impose additional (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period End	02/02/81	
NPRM	01/04/85	50 FR 598
NPRM Comment Period End	04/05/85	
Rebuttal Period Ends	09/18/85	
Staff Report	11/17/86	51 FR 43217
Presiding Officer Report	11/26/86	51 FR 43217
Comment Period End	03/13/87	
Commission Consideration of Staff Recommendations	07/00/87	
Oral Presentations to the Commission	10/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: record-keeping, postage, and photocopying costs. The alternatives to an FTC trade regulation rule include: a formal complaint against a professional association or an ophthalmic board alleged to have engaged in illegal acts or practices; a voluntary guide defining unfair acts or practices; legislative recommendations to Congress or to the States; or the release of a public report setting forth the findings of the staff. In January, 1985 the Commission published an NPRM seeking public comment on a proposed trade regulation rule that would have the effect of superseding certain state-imposed restrictions on the forms of practice and other business aspects of the delivery of eye care to consumers. The public hearings have been completed. The Staff Report, summarizing the evidence and recommending that the Commission promulgate a rule, was completed in October 1986. The Presiding Officer's Report was published in November, 1986. Public comments have been received on these reports, after which the Commission may schedule an oral presentation by selected participants. The Staff has forwarded its recommendations to the Commission.

Government Levels Affected: Local, State

Agency Contact: Renate Kinsheck, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3287

RIN: 3084-AA03

3799. AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Abstract: The objective of the proposed amendment is to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform when consumer sales are financed by third party creditors or purchase money lenders. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would extend to creditors the obligation to ensure that credit contracts contain the required provision. Benefits from the proposed amendments may include improvement in the retail market due to increased scrutiny by creditors of the sellers with whom they do business and availability to consumers of additional claims and defenses against creditors. Some creditors may have increased costs associated with screening contracts and monitoring the reputations of retailers with whom they deal. Alternatives considered by the Commission include: rejection of the amendment; postponement of decision pending additional information on (cont)

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsn Approval and Request for Comment	11/15/79	44 FR 65771
Commission Consideration of Staff Recommendations	10/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: compliance with the original rule; adoption of the amendment extending the rule to creditors and also making additional technical amendments. The amendment would shift some compliance costs from small businesses to creditors that control the contract form. Otherwise, because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses.

Agency Contact: Jonathan D. Jerison, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3223

RIN: 3084-AA08

3800. PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 438, (New)

Abstract: In 1979, the Second Circuit Court of Appeals set aside the rule as originally issued by the Commission, citing problems with some of the remedies that the rule provided to purchasers of proprietary vocational training. The Staff has prepared recommendations as to how the Commission should respond to the Court's decision. Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirements at all. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices. The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs. The cooling-off, track record disclosures, and refund components of the rule variations under consideration would impose real social costs on schools covered (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/74	39 FR 29385
Final Action previously published	12/18/78	43 FR 60796
Rule set aside & remanded by Court	12/13/79	
New Staff Recommendation published	07/10/81	46 FR 35668
Commission Consideration of Staff Recommendations	11/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: including administrative costs associated with processing and collecting and disseminating information. Price increases may result from these costs as well as the possibility of paying out increased refunds. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases. The rule seeks to deter deceptive sales practices by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary. Most of the 6,000 schools that would be affected by the rule are small businesses.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3319

RIN: 3084-AA11

3801. COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, and to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic effect on a (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	03/03/83	48 FR 9032
Commission Consideration of Staff Recommendations	04/28/87	
NPRM	08/10/87	52 FR 29539
Commission Consideration of Staff Recommendations	03/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: substantial number of small entities. The Commission is continuing its review of the rule in accordance with Section 610 of the Regulatory Flexibility Act. Staff has explored non-substantive changes in the notices required by the rule. Staff also has studied possible exemptions for sales of automobiles at public auctions and sales of arts and crafts at fairs. The Commission has issued an NPRM soliciting comment on changes in the notice requirement and possible exemptions from the rule.

Agency Contact: Lewis Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3009

RIN: 3084-AA18

3802. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, (Apendix)

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if

consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community. In February 1987, the Commission promulgated nine amendments, most of which were designed to reduce the burden of notification. In May 1987, the Commission promulgated an amendment to require that acquisitions by partnerships be reported by persons controlling the partnerships. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
NPRM -- Controlled Issuers	09/24/85	50 FR 38742
NPRM -- Partnership Control	03/06/87	52 FR 7095
Final Action -- Partnership Control	05/29/87	52 FR 20058
NPRM -- De Minimis Exemption	11/00/87	
Final Action -- Controlled Issuers	03/00/88	
Final Action -- De Minimis Exemption	05/00/88	
NPRM -- Sequential Transactions	09/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: In fiscal year 1988 the Commission expects to take final action on the proposal to raise the controlled issuer threshold in Section 802.20(b) and to propose rules concerning acquisitions of small percentages of an issuer's voting securities and acquisitions involving dependent sequential transactions.

Agency Contact: John M. Sipple, Jr., Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Washington, DC 20580, 202 326-3300

RIN: 3084-AA23

3803. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
Hearings End	01/00/87	
Commission Consideration of Staff Recommendations	05/22/87	
NPRM	10/00/87	
Hearings End	01/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which are currently being reconsidered. Possible alternatives include different disclosures, reduced disclosures, or no disclosures. The Commission expects to issue an NPRM in the fall of 1987.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 500- Mall Building, 118 St. Clair Ave, Cleveland, Ohio 44114, 216 522-4207

RIN: 3084-AA24

FEDERAL TRADE COMMISSION (FTC) — Final Rule Stage

3804. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. If a store runs out of advertised products, it is in violation of the rule even if the store noted the limitations on availability in its advertisement and even if the store provides rainchecks or substitute items. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, training employees to comply with the rule and keeping records to prove compliance. (cont)

FTC — Final Rule Stage

Timetable:

Action	Date	FR Cite
Comment on Reg Flex Act Review	12/00/83	
ANPRM	12/10/84	49 FR 48059
ANPRM Comment Period End	02/08/85	
NPRM	10/24/85	50 FR 43224
NPRM Comment Period End	01/24/86	
Hearings End	04/02/86	
Rebuttal Period Ends	05/19/86	
Staff Report	12/17/86	
Presiding Officer Report	01/20/87	52 FR 2115
Comment Period on Reports	03/24/87	
Commission Consideration of Staff Recommendations	11/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: The rule may also discourage the advertising of certain kinds of products, such as perishables or goods that are available to the store only in limited supply. The staff concluded from a careful review of the rule's effects that the costs the rule imposes on consumers in the form of higher grocery prices significantly exceeds its benefits. Consequently, staff recommended that the rule be modified so that a store could comply with the rule by clearly and adequately disclosing in its advertisements that there are limitations on availability, or by offering rainchecks or substitute items if supplies run out. The staff concluded that modifying the rule in this way will maintain any benefits it provides to consumers while substantially reducing its costs. The Commission published an NPRM in October, 1985. The hearings have been completed, and the Staff Report published. The staff has sent its recommendations to the Commission for its consideration.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3119

RIN: 3084-AA17

3805. APPLIANCE LABELING RULE -- ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. Following DOE's adoption of final test procedures for central air conditioners (and heat pumps), the Commission initiated a rulemaking to consider including these products. The Commission is also considering including two new types of furnaces in the rule's current coverage of furnaces.

The rule mandates that specific energy costs or efficiency information for covered products be disclosed in catalogs and on a label (fact sheets are required for furnaces). The label must include a highlighted energy cost or efficiency disclosure, a range indicating the highest and lowest energy costs or (cont)

Timetable:

Action	Date	FR Cite
NPRM (Air Conditioners)	08/11/80	45 FR 53340
NPRM (Furnaces)	07/24/81	46 FR 38105
Begin Reg Flex Act Review	04/08/85	50 FR 13820
Final Action (Air Cond. & Furn.)	10/00/87	
Commission Consideration of Staff Recommendations	11/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: efficiencies for all similar appliance models, and a chart that permits an individual to estimate how much it will cost to run the appliance each year based on local utility rates. The primary purpose of the rule is to permit consumers to compare the energy usage of competing appliances and to weigh that information along with other product features.

Since the Commission's rule implements the statutory directives in EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances, but does impose some burdens on distributors and retailers. Some of these entities may be small businesses pursuant to Section 610 of the Regulatory Flexibility Act. Therefore, the Commission has begun a review of the rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended. As a result of this review, several amendments will be proposed for Commission consideration.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084-AA26

FEDERAL TRADE COMMISSION (FTC) — Completed Actions

3806. FRANCHISING AND BUSINESS OPPORTUNITIES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 436

Abstract: The franchise trade regulation rule was adopted in response to evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the rule. In some instances prospective franchisees lack a ready means of obtaining essential and reliable information about their proposed business investment. This lack of

information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons. The rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is made and (ii) by means of disclosure documents whose form and content are set forth in the rule. The rule requires disclosure of (cont)

Timetable:

Action	Date	FR Cite
Rule promulgated	12/21/78	43 FR 59614
Begin Reg Flex Act Review	03/00/84	
Request for Comment on Reg Flex Review	02/24/86	51 FR 6422
End Reg Flex Review	05/15/87	52 FR 18353

Small Entity: No

Additional Information: ABSTRACT CONT: certain information. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises. In accordance with Section 610 of the Regulatory Flexibility Act, the Commission has reviewed this rule and determined that no modifications are necessary.

Agency Contact: John M. Tifford, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2968

RIN: 3084-AA25

[FR Doc. 87-21794 Filed 10-23-87; 8:45 am]

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Federal Register

Monday
October 26, 1987

Part LIII

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 13)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 87-16, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in October 1987. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: August 11, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Prerule Stage

3807. ● CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None.

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/87	52 FR 20632
ANPRM Comment Period End	07/02/87	52 FR 20632
Comments under evaluation	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7278

RIN: 3120-AB50

INTERSTATE COMMERCE COMMISSION (ICC) — Proposed Rule Stage

3808. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None.

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments under Internal Review	00/00/00	

Small Entity: No

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-

No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120-AA13

3809. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period End	09/28/83	48 FR 25290
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Draft notice of study being prepared	00/00/00	

Small Entity: Yes

Additional Information: Ex Parte No. 431 held in abeyance until Rail Accounting Principles Board completes its findings. Implementation will be during calendar year 1988.

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7354

RIN: 3120-AA63

3810. TRANSFERS OF OPERATING RIGHTS, EX PARTE NO. MC-111 (SUB-NO. 1)

Significance: Agency Priority

Legal Authority: 49 USC 10101; 49 USC 10926; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1045.11; 49 CFR 1132; 49 CFR 1133; 49 CFR 1141; 49 CFR 1151

Legal Deadline: None.

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Yes

Agency Contact: Warren Wood, Senior Attorney, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7977

RIN: 3120-AA81

3811. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1312

Legal Deadline: None.

Abstract: Commission regulations require filing of tariffs in printed form. The Commission is considering establishing rules and procedures to permit carriers to file tariffs electronically. The advance notice of proposed rulemaking seeks comments from interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	48 FR 18861
ANPRM Comment Period End	06/22/83	
Presently under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Charles E. Langyher, III, Chief, Section of Tariffs, Interstate Commerce Commission, Bureau of Traffic, Washington, DC 20423, 202 275-7739

RIN: 3120-AA99

3812. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS PROCESSED AND MANUFACTURED COMMODITIES

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Legal Deadline: None.

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120-AB08

3813. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS), EX PARTE NO. MC-19 (SUB-NO. 36)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None.

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	48 FR 49561
NPRM	11/00/87	

Action	Date	FR Cite
NPRM Comment Period End	12/00/87	

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, **202 275-7841**

RIN: 3120-AB17

3814. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None.

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, **202 275-7245**

RIN: 3120-AB35

3815. RATE GUIDELINES-NON-COAL PROCEEDINGS, EX PARTE NO. 347 (SUB NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive non-coal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of proposed policy stmt.	05/22/86	51 FR 18811
Notice of Intent to Participate due	06/02/86	
Comments due	07/21/86	
Begin Review	07/24/87	
Comments under internal evaluation	09/30/87	
End Review	09/30/87	

Small Entity: Undetermined

Agency Contact: Ronald S. Young, Director, Bureau of Accounts, Interstate Commerce Commission, 12th & Constitution Ave., NW, Washington, DC 20423, **202 275-7565**

RIN: 3120-AB41

3816. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None.

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 U.S.C. 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal review of comments	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AB43

3817. COST RATIO FOR RECYCLABLES - COMPLIANCE PROCEDURES, EX PARTE NO. 394 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10731; 5 USC 553

CFR Citation: 49 CFR 1134; 49 CFR 1135; 49 CFR 1145

Legal Deadline: None.

Abstract: The Commission is proposing rules that will establish procedures by which the Commission annually will (a) announce the revenue-to-variable cost ratio required by 49 USC 10731(e) to apply for the following calendar year; (b) monitor and take necessary action to ensure continued compliance by the railroads with 49 USC 10731(e); and (c) prohibit further rate increases, including those authorized under 49 USC 10707a(a)-(d), on recyclables having revenue/variable cost ratios in excess of the statutory cap level until such rates fall to below the cap level or the statutory cap level increases by Commission order.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/86	51 FR 21780
Extension of time for filing comments on ANPRM; new date: 10/15/86	08/12/86	51 FR 28847
ANPRM Comment Period End	09/15/86	51 FR 21780
NPRM	04/23/87	52 FR 13482
NPRM Comment Period End	07/22/87	52 FR 13482
Comments under evaluation	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, **202 275-7245**

RIN: 3120-AB47

3818. ● EXEMPTION OF RAIL LINE ABANDONMENTS OR DISCONTINUANCES; OFFERS OF FINANCIAL ASSISTANCE, EX PARTE NO. 274 (SUB-NO. 16)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10903 et seq; 5 USC 553

ICC

Proposed Rule Stage

CFR Citation: 49 CFR 1152.27; 49 CFR 1152.50

Legal Deadline: None.

Abstract: The Commission proposes to authorize offers of financial assistance to subsidize or acquire rail lines subject to an abandonment or discontinuance of service proposed under the Commission's class exemption or individual petition for exemption process. The proposed rule would generally incorporate the financial assistance procedures of 49 USC 10905 in the Commission's exemption process.

Timetable:

Action	Date	FR Cite
NPRM	03/12/87	52 FR 7628
NPRM Comment Period End	05/26/87	52 FR 7628
Comments under evaluation	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120-AB49

INTERSTATE COMMERCE COMMISSION (ICC)

Final Rule Stage

3819. REVISION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38904

Significance: Agency Priority

Legal Authority: 49 USC 11142

CFR Citation: 49 CFR 1207; 49 CFR 1249

Legal Deadline: None.

Abstract: This rule would eliminate all the Commission's accounting and reporting rules for Class I and II common and contract motor carriers of property.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7201
NPRM Comment Period End	04/08/85	
Final Action	03/31/87	52 FR 10382
Final Action Stayed	05/01/87	
Action on Petition for Reconsideration	11/00/87	

Small Entity: No

Additional Information: Petitions filed on 38904 granted by the Commission; Decision decided May 1, 1987, stayed pending administrative review.

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting and Reporting, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AA84

3820. ● REVISION OF TARIFF REGULATIONS; COMPUTER DETERMINATION OF MILEAGES, NO. 37321 (SUB-NO. 1)

Legal Authority: 49 USC 10321; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None.

Abstract: The I.C.C. sought comment on its proposed rule which would allow all motor common carriers to file electronic distance determination systems. Present rule requires that distance guides contain maps and/or comprehensive tables of distances between points. The proposed rule would allow for the filing of guides which refer to computer programs that provide distances to be used in connection with carriers' tariffs of mileage rates. Comments also sought on other proposals for "other than paper" filing of tariff matter.

Timetable:

Action	Date	FR Cite
NPRM	04/06/87	52 FR 10913
NPRM Comment Period End	05/06/87	
Notice of final rule	09/15/87	
Final Action	09/15/87	
Final Action Effective	10/15/87	

Small Entity: No

Agency Contact: Lawrence Herzig, Chief, Section of Rates & Informal Cases, Interstate Commerce Commission, Bureau of Traffic, Washington, DC 20423, 202 275-6887

RIN: 3120-AB51

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

3821. HANDLING OF C.O.D. SHIPMENTS, EX PARTE NO. MC-42

CFR Citation: 49 CFR 1052

Completed:

Reason	Date	FR Cite
Final Action	04/14/87	52 FR 11991
Final Action Effective	05/ 4/87	52 FR 11991

Small Entity: No

Agency Contact: Tom Barry 202 275-7540

RIN: 3120-AA42

3822. IMPROVEMENT OF TOFC/COFC REGULATION (RAILROAD AFFILIATED MOTOR CARRIERS AND OTHER MOTOR CARRIERS), EX PARTE NO. 230 (SUB-NO. 6)

Significance: Agency Priority

CFR Citation: 49 CFR 1039; 49 CFR 1090

Completed:

Reason	Date	FR Cite
Final Action	06/24/87	52 FR 23660
Final Action Effective	07/23/87	52 FR 23660

Small Entity: No

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120-AA47

ICC

Completed Actions

3823. PROCEDURES FOR REQUESTING RAIL VARIABLE COST AND REVENUES DETERMINATION FOR JOINT RATES SUBJECT TO SURCHARGE OR CANCELLATION, EX PARTE NO. 389

CFR Citation: 49 CFR 1138

Completed:

Reason	Date	FR Cite
Final Action	04/27/87	52 FR 13841
Final Action Effective	05/27/87	52 FR 13841

Small Entity: No

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120-AA57

3824. REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES, EX PARTE NO. 246 (SUB-NO. 2)

CFR Citation: 49 CFR 1002

Completed:

Reason	Date	FR Cite
Final Action	04/21/87	52 FR 13244
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Kathleen M. King 202 275-7428

RIN: 3120-AA90

3825. POLICY ON RELEASE OF DATA FROM THE ICC WAYBILL SAMPLE

CFR Citation: 49 CFR 1244.8

Completed:

Reason	Date	FR Cite
Final Action	04/16/87	52 FR 12415
Final Action Effective	05/16/87	

Small Entity: No

Agency Contact: James A. Nash 202 275-6864

RIN: 3120-AB20

3826. SHORT NOTICE EFFECTIVENESS FOR INDEPENDENTLY FILED SINGLE-FACTOR MOTOR-WATER RATES, EX PARTE NO. MC-170 (SUB-NO. 1)

Significance: Agency Priority

CFR Citation: 49 CFR 1312

Completed:

Reason	Date	FR Cite
Final Action	05/01/87	52 FR 15949
Final Action Effective	06/01/87	52 FR 15949

Small Entity: No

Agency Contact: Ardith Horne 202 275-1764

RIN: 3120-AB26

3827. ELIMINATION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PASSENGERS, NO. 39953

Significance: Agency Priority

CFR Citation: 49 CFR 1206; 49 CFR 1249

Completed:

Reason	Date	FR Cite
Final Action	05/29/87	52 FR 20399
Final Action Effective	01/01/87	52 FR 20399

Small Entity: No

Agency Contact: Andrew J. Lee 202 275-7510

RIN: 3120-AB31

[FR Doc. 87-21268 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26 1987

Part LIV

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of June 30, 1987. NCUA will also include this agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of June 30, 1987.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person(s) named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to track regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The agenda is divided into three parts describing, respectively, (1) actions completed since the last agenda; (2) current rulemaking proceedings and regulatory reviews; and (3) projected rulemaking and reviews. Interpretive Rulings and Policy Statements (IRPS) and Guidelines promulgated by NCUA are also included in the agenda.

The agenda is published pursuant to NCUA's statement of policy concerning development and review of regulations (IRPS 81-4, 46 FR 2948). The Regulatory Flexibility Act (5 U.S.C. 601, et seq.) does not require independent executive agencies to publish the agenda. NCUA, as an independent executive agency, will voluntarily include this agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations." The NCUA Board believes that participation in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Approved by the NCUA Board this 15th day of July, 1987.

Becky Baker,

Secretary of the Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3828	Reserves	3133-AA12
3829	Nondiscrimination Requirements	3133-AA17
3830	Refund of Interest	3133-AA36
3831	Rules of Board Procedure	3133-AA39
3832	Operational Procedures for Share Draft Programs; Federally Insured State Chartered Credit Unions	3133-AA42
3833	Definitions	3133-AA47
3834	Financial and Statistical and Other Reports	3133-AA48
3835	Loan Participation	3133-AA49
3836	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
3837	Compensation of Officials	3133-AA51
3838	Federal Credit Unions Acting as Depositories and Financial Agents of the Government	3133-AA53
3839	Borrowed Funds From Natural Persons	3133-AA54
3840	Records Preservation Programs	3133-AA56
3841	Employee Responsibility and Conduct	3133-AA64
3842	Liquidations	3133-AA65
3843	Corporate Credit Unions	3133-AA68
3844	Proposed IRPS 87-1 - Request for Comments on Proposed Guidelines Regarding Bank Bribery Law	3133-AA77
3845	Fidelity Bond and Insurance Coverage for Federal Credit Unions	3133-AA79

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3846	Establishment of a Cash Fund	3133-AA34
3847	Other Applications	3133-AA44
3848	Mortgage-Backed Obligations	3133-AA73
3849	Conflict of Interest Provisions	3133-AA81

NCUA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3850	Community Development Revolving Loan Program for Credit Unions	3133-AA37

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3851	Mergers of Federally-Insured Credit Unions, Voluntary Termination or Conversion of Insured Status	3133-AA59
3852	Loans to Members and Lines of Credit to Members; Requirements for Insurance and Voluntary Termination of Insurance	3133-AA67
3853	Loan Interest Rates	3133-AA76
3854	Freedom of Information Act (FOIA) Regulation Revisions	3133-AA78
3855	Guidelines Concerning Recordkeeping and Reporting Under the Bank Secrecy Act	3133-AA80

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Prerule Stage

3828. RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702.1; 12 CFR 702.2

Legal Deadline: None.

Abstract: These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for applications for approval to decrease reserves.

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Initial staff review complete; further review will be completed by	12/31/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Michael Riley, Director, Office of Examination and Insurance, (202) 357-1065.

Agency Contact: Robert Fenner, General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA12

3829. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Legal Deadline: None.

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder.

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Initial staff review complete; further review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA17

3830. REFUND OF INTEREST

Legal Authority: 12 USC 1766(a); 12 USC 1761b(9)

CFR Citation: 12 CFR 701.24

Legal Deadline: None.

Abstract: This rule provides the conditions and limitations on an FCU making interest payment refunds to members who paid interest on loans during a dividend period.

Timetable:

Action	Date	FR Cite
Initial review indicated further revision may be necessary. Further action will be taken	12/00/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA36

3831. RULES OF BOARD PROCEDURE

Legal Authority: 12 USC 1752a(d)

CFR Citation: 12 CFR 791

Legal Deadline: None.

NCUA

Prerule Stage

Abstract: This regulation sets forth the rules of procedure governing how the Board will conduct its business.

Timetable:

Action	Date	FR Cite
Expect to present draft proposed rule to the Board by	10/31/87	

Small Entity: No

Agency Contact: Rosemary Brady, Assistant Executive Director, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1100

RIN: 3133-AA39

3832. OPERATIONAL PROCEDURES FOR SHARE DRAFT PROGRAMS; FEDERALLY INSURED STATE CHARTERED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1785(f)(1)

CFR Citation: 12 CFR 761

Legal Deadline: None.

Abstract: The rule provides the regulatory authority for federally insured state chartered credit unions to offer share draft accounts.

Timetable:

Action	Date	FR Cite
Initial Staff review complete - further action will be taken by	12/00/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA42

3833. DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Legal Deadline: None.

Abstract: This regulation sets forth basic definitions applicable in all of NCUA's regulations. The definitions will be reviewed for accuracy and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA47

3834. FINANCIAL AND STATISTICAL AND OTHER REPORTS

Legal Authority: 12 USC 1756; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.13

Legal Deadline: None.

Abstract: This regulation sets forth reporting requirements for Federal credit unions. The regulation will be reviewed for accuracy and consistency with other regulations.

Timetable:

Action	Date	FR Cite
Initial staff review will be completed by	12/00/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA48

3835. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None.

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to participate in making loans with other credit unions, credit union organizations or financial organizations. The regulation will be reviewed to determine the need to update, revise and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Roy DeLoach, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA49

3836. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None.

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to purchase, sell or pledge a loan or group of loans. The regulation will be reviewed to determine the need to update, review and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Roy DeLoach, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA50

3837. COMPENSATION OF OFFICIALS

Legal Authority: 12 USC 1761; 12 USC 1761a; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.33

Legal Deadline: None.

Abstract: This regulation sets out the restrictions on compensation to Federal credit union directors and credit and supervisory committee members. The regulation will be reviewed for accuracy and consistency with the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA51

3838. FEDERAL CREDIT UNIONS ACTING AS DEPOSITORIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-2

Legal Deadline: None.

Abstract: This regulation sets out the authority for and requirement of federally insured credit unions when they serve as depositories and financial agents of the United States Government. It also lists the functions credit unions may perform in this capacity. The regulation will be reviewed for clarification and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA53

3839. BORROWED FUNDS FROM NATURAL PERSONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.38

Legal Deadline: None.

Abstract: This regulation sets forth the requirements a Federal credit union must meet when it borrows funds from natural persons. The regulation will be reviewed to determine whether clarification or simplification is necessary.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA54

3840. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Legal Deadline: None.

Abstract: This regulation mandates that Federal credit unions maintain a records preservation program. It sets forth program implementation procedures and also lists what records must be stored. This regulation will be reviewed to determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/00/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA56

3841. EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 792

Legal Deadline: None.

Abstract: Legal and regulatory requirements concerning employee ethics are currently found in Part 792 of the NCUA Regulations, the NCUA Examiners Guide, the Office of Personnel Management's Regulations, and various Federal statutes. Staff has circulated a draft of a proposed comprehensive rule within the Agency.

Timetable:

Action	Date	FR Cite
Staff expects to present a draft proposed rule to the Board by	10/31/87	

Small Entity: No

Additional Information: Additional Agency Contact: Rosemary Brady, Assistant Executive Director, Office of the Board (202) 357-1100.

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA64

3842. LIQUIDATIONS

Legal Authority: 12 USC 1766(a); 12 USC 1786; 12 USC 1789

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: An outdated Involuntary Liquidation Manual exists. A new draft Involuntary Liquidation Manual has been written and is being circulated for comments within the Agency.

Timetable:

Action	Date	FR Cite
Task force expects to present a draft, updated liquidation manual to the Board	12/00/87	

Small Entity: No

Agency Contact: Timothy Hornbrook/Allan Meltzer, Director of Risk Management/Assistant General Counsel, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA65

3843. CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1762; 12 USC 1766(a); 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 704

Legal Deadline: None.

NCUA — Prerule Stage

Abstract: A task force has completed its review of the corporate credit union system. The revised corporate examination process began in October 1986. In July 1987, staff will begin to evaluate whether a change in the regulation is necessary.

Timetable:

Action	Date	FR Cite
Review of the current regulation will begin	07/00/87	

Next Action Undetermined

Small Entity: No

Agency Contact: D. Michael Riley or Nicholas Veghts, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA68

3844. PROPOSED IRPS 87-1 - REQUEST FOR COMMENTS ON PROPOSED GUIDELINES REGARDING BANK BRIBERY LAW

Legal Authority: 18 USC 215

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The Bank Bribery Amendments Act of 1985 requires that Federal agencies with responsibility for regulating financial institutions establish joint guidelines to assist financial institution officials in complying with the law. The proposed IRPS is a modified version of the guidelines developed by the Interagency Bank Fraud Group.

Timetable:

Action	Date	FR Cite
Final guidelines are expected by	09/30/87	52 FR 23089

Small Entity: No

Agency Contact: John K. Ianno, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA77

3845. ● FIDELITY BOND AND INSURANCE COVERAGE FOR FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1761a; 12 USC 1761b; 12 USC 1766(s); 12 USC 1766(h); 12 USC 1789(A)(11)

CFR Citation: 12 CFR 701.20

Legal Deadline: None.

Abstract: Staff will review whether changes in the notice requirements of bond forms approved for Federal credit union use are appropriate. A general review and update of the regulatory requirements will also be made.

Timetable:

Action	Date	FR Cite
Staff expects to present a draft proposed regulation to the Board by	10/31/87	

Small Entity: No

Agency Contact: Allan Meltzer, Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA79

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Proposed Rule Stage

3846. ESTABLISHMENT OF A CASH FUND

Legal Authority: 12 USC 1757(12)

CFR Citation: 12 CFR 701.10

Legal Deadline: None.

Abstract: This rule provides the regulatory authority to cash checks and money orders.

Timetable:

Action	Date	FR Cite
Initial staff review complete. Further action expected by	12/00/87	

Small Entity: No

Agency Contact: Roy DeLoach, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA34

3847. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Legal Deadline: None.

Abstract: This rule specifies the manner in which applications, requests or submittals to NCUA, not addressed in other sections shall be presented to the Agency.

Timetable:

Action	Date	FR Cite
Initial staff review complete. Staff will make recommendation to the Board by	12/00/87	

Small Entity: No

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA44

3848. MORTGAGE-BACKED OBLIGATIONS

Legal Authority: 12 USC 1757(15); 12 USC 1766; 12 USC 1789

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Pursuant to Section 107(15) of the FCU Act (12 U.S.C. 1757(15)), the NCUA Board issued a request for comments on the issues surrounding FCU investment in mortgage-backed obligations.

NCUA — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
Staff expects to present a recommendation or draft proposed regulation to the Board by	06/30/87	
NPRM	07/27/87	52 FR 27994
NPRM Comment Period End	09/18/87	52 FR 27994

Small Entity: No

Additional Information: Additional contact: Steven R. Bisker, Assistant General Counsel, telephone (202) 357-1030.

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA73

3849. ● CONFLICT OF INTEREST PROVISIONS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.27; 12 CFR 701.38; 12 CFR 703.4; 12 CFR 721.2

Legal Deadline: None.

Abstract: These sections contain the conflict of interest provisions of various NCUA regulations. A proposed rule to make all of the provisions consistent with a similar provision in NCUA's lending regulation has been issued by the NCUA Board.

Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28274
NPRM Comment Period End	09/21/87	
Final Action	12/31/87	

Small Entity: No

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA81

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Final Rule Stage

3850. COMMUNITY DEVELOPMENT REVOLVING LOAN PROGRAM FOR CREDIT UNIONS

Legal Authority: 12 USC 1766; 42 USC 9822 (note); 12 USC 1759; 12 USC 1766(f); 42 USC 2981; 42 USC 2985(e)

CFR Citation: 12 CFR 705

Legal Deadline: None.

Abstract: The proposed regulation establishes a revised program under which loans from the Community Development Credit Union Revolving Loan Fund will be made to participating credit unions.

Timetable:

Action	Date	FR Cite
NPRM	04/09/87	52 FR 12427
NPRM Comment Period End	06/19/87	52 FR 12427
Final Action	09/30/87	

Small Entity: No

Additional Information: Anticipate final rule by October 1, 1987.

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA37

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Completed Actions

3851. MERGERS OF FEDERALLY-INSURED CREDIT UNIONS, VOLUNTARY TERMINATION OR CONVERSION OF INSURED STATUS

Legal Authority: 12 USC 1766; 12 USC 1785; 12 USC 1786; 12 USC 1789

CFR Citation: 12 CFR 708

Legal Deadline: None.

Abstract: The Final Rule sets forth requirements for credit union mergers, provisions regarding termination or conversion of Federal insurance and forms to be used in obtaining membership approval of these actions.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43377
NPRM Comment Period End	01/30/87	51 FR 43377
Final Action	04/16/87	52 FR 12370
Final Action by	04/30/87	
Final Action Effective	05/18/87	52 FR 12370

Small Entity: No

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA59

3852. LOANS TO MEMBERS AND LINES OF CREDIT TO MEMBERS; REQUIREMENTS FOR INSURANCE AND VOLUNTARY TERMINATION OF INSURANCE

Legal Authority: 12 USC 1757(5); 12 USC 1766(a); 12 USC 1789

CFR Citation: 12 CFR 701.21; 12 CFR 741.3

Legal Deadline: None.

Abstract: The final rule concerns business loans made by federally-insured credit unions and preferential treatment and prohibited fees for all types of credit union lending.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46869
NPRM Comment Period End	01/30/87	51 FR 46869
Final Action	04/16/87	52 FR 12365
Staff expects to present a draft final rule to the Board by	04/30/87	52 FR 12365
Final Action Effective	07/01/87	52 FR 12365

Small Entity: No

Additional Information: Additional Contact: D. Michael Riley, Director, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, telephone: (202) 357-1065; or Steven Bisker, Assistant General Counsel, telephone: (202) 357-1030.

Agency Contact: J. Leonard Skiles, Regional Director, National Credit Union Administration, Region V, 611 East 6th Street, Suite 407, Austin, TX 78701, **512 482-5131**

RIN: 3133-AA67

3853. LOAN INTEREST RATES

Legal Authority: 12 USC 1757(5)(A)(vi); 12 USC 1766(6)

CFR Citation: 12 CFR 701.21(c)(7)

Legal Deadline: Statutory, May 14, 1987.

Abstract: The 21 percent interest rate ceiling for Federal credit unions would have expired on May 14, 1987. The NCUA Board established an 18 percent rate ceiling for the period from May 15, 1987 through September 9, 1988.

Timetable:

Action	Date	FR Cite
Final Action	03/16/87	52 FR 8052
Final Action Effective	05/14/87	52 FR 8052

Small Entity: No

Agency Contact: Dr. Charles Bradford, Chief Economist, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1100**

RIN: 3133-AA76

3854. ● FREEDOM OF INFORMATION ACT (FOIA) REGULATION REVISIONS

Legal Authority: 12 USC 1789; 5 USC 552

CFR Citation: 12 CFR 790.4; 12 CFR 790.7

Legal Deadline: None.

Abstract: The final rule implements recent amendments to the Freedom of Information Act concerning exemption 7 of the FOIA (relating to law enforcement records) and the provisions of the FOIA concerning fees and fee waivers.

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19152
Final Action	07/27/87	52 FR 27925

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA78

3855. ● GUIDELINES CONCERNING RECORDKEEPING AND REPORTING UNDER THE BANK SECRECY ACT

Legal Authority: 31 USC 5311 et seq; 31 CFR 103

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: In January 1987, NCUA promulgated a final rule concerning a compliance program with the Bank Secrecy Act. Guidelines were issued by the Board in May 1987, to provide assistance to Federal credit unions in complying with the Treasury requirements and in establishment of a compliance program.

Timetable:

Action	Date	FR Cite
Final Guidelines	05/00/87	

Small Entity: No

Additional Information: Final guidelines issued in May 1987, but not in the form of a regulation.

Agency Contact: John K. Ianno, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA80

[FR Doc. 87-21552 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part LV

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on April 27, 1987.

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, NW., Washington, DC, between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact David L. Meyer, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7086. Persons outside the Washington, DC metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on April 27, 1987.

Organization of the Agenda

Rules in this agenda are divided into four groups: (1) The Prerule Stage, which includes all rules which will be published in the **Federal Register** as advance notices of proposed rulemaking, (2) the Proposed Rule Stage, which includes all unpublished rules and published advance notices of proposed rulemaking on which the NRC expects to take action, (3) Final Rule Stage, which includes all rules which have been published in the **Federal Register** as proposed rules and on which the NRC plans to take final action, and (4) Completed Actions, which include all rules which have been finally promulgated or withdrawn since publication of the last semiannual agenda.

Within each group, the rules are ordered from lowest to highest 10 CFR part, and when more than one rule appears under the same part, the rules are arranged within the part according to the date of most recent publication. If a rule contains changes to more than one 10 CFR part, the rule is listed under the lowest affected part.

The information in this agenda has been updated through August 31, 1987. The date included under the heading "timetable," for next scheduled action indicates the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. This Regulatory Agenda is intended to provide increased notice and opportunity for public participation in the NRC rulemaking process. The NRC may, however, consider or act on any rulemaking even if it is not included in the Regulatory Agenda.

The NRC agenda lists 67 rulemaking actions. Of these, no rulemaking item is considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Dated at Bethesda, Maryland this 21st day of August 1987.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration and Resources Management.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3856	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3857	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
3858	Availability of Official Records	3150-AC07
3859	Negotiated Rulemaking on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High Level Waste	3150-AC44
3860	Retention Periods for Records	3150-AB43
3861	Deletion of Part 11 Requirements for Renewal of "R" Clearances	3150-AC58
3862	Disposal of Low-Level Radioactively Contaminated Waste Oil from Nuclear Power Plants	3150-AC14
3863	+ Residual Radioactive Contamination Limits for Decommissioning	3150-AC21
3864	+ Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68
3865	+ Fee Schedule Change for NRC "U" and "Q" Access Authorizations	3150-AC59
3866	+ Safety Requirements for Industrial Radiographic Exposure Devices	3150-AC12
3867	Controls of Aerosols and Gases	3150-AC60
3868	+ Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
3869	Degree Requirement for Senior Operators at Nuclear Power Plants	3150-AC26
3870	Alternative Methods for Leakage Rate Testing	3150-AC54
3871	+Custody of Uranium Mill Tailings Sites	3150-AC56
3872	+ Part 51; Conforming Amendments	3150-AC04
3873	Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors	3150-AC61
3874	+ Definition of High-Level Radioactive Waste (HLW) in 10 CFR Part 60	3150-AB89
3875	+ Criteria and Procedures for Evaluating Requests for Emergency Access to Low-Level Waste Disposal Sites	3150-AC24
3876	Transportation Regulations: Compatibility With the International Atomic Energy Agency	3150-AC41
3877	Amendment to Assign NRC Sole Authority for Approving Onsite LLW Disposal	3150-AC57

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3878	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
3879	+ Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
3880	+ Licensing Requirements for the Storage of Spent Fuel and High- Level Radioactive Waste	3150-AB70
3881	Issuance or Amendment of Power Reactor License or Permit Following Initial Decision	3150-AC15
3882	Revision to Ex Parte and Separation of Functions Rules Applicable to Formal Adjudicatory Proceedings	3150-AC18
3883	Rules of Practice for Domestic Licensing Proceedings-- Procedural Changes in Hearing Process	3150-AC22
3884	Update of Freedom of Information Act Procedures and Other Minor Amendments	3150-AC50
3885	+ Standards for Protection Against Radiation	3150-AA38
3886	General Requirements for Decommissioning Nuclear Facilities	3150-AA40
3887	+ Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
3888	+ Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
3889	Completeness and Accuracy of Information Provided to the Commission	3150-AC45
3890	Regional Nuclear Materials Licensing for the United States Navy	3150-AC55
3891	Misadministrations	3150-AC42
3892	+ Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues	3150-AB56
3893	Acceptance Criteria for Emergency Core Cooling System (ECCS) for Light Water Nuclear Power Reactors	3150-AA44
3894	+ Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
3895	+ Station Blackout	3150-AB38
3896	+ Broad Scope Modification of General Design Criterion 4 Requirements For Protection Against Dynamic Effects of Postulated Pipe Ruptures	3150-AC05
3897	+ Codes and Standards for Nuclear Power Plants	3150-AC29
3898	Consideration of Emergency Planning Rule Changes to Deal With Lack of Governmental Cooperation in Offsite Emergency Planning	3150-AC36
3899	+ Table S-3, Addition of Radon-222 and Technetium-99 Radiation Values and Appendix B Explanatory Narrative	3150-AA31
3900	+ Elimination of Inconsistencies between NRC Regulations and EPA Standards	3150-AC03
3901	+ Criteria for an Extraordinary Nuclear Occurrence	3150-AB01

NRC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3902	Restrictions Against Ownership of Certain Security Interests by Commissioners, Certain Staff Members, and Other Related Personnel: Vested Pension Interests	3150-AC47
3903	Standards and Procedures for Case by Case Exemptions for De Minimis Interests from Prohibition against Employee's Participation in Matters Affecting Employees's Financial Interest	3150-AC48
3904	Statement of Organization and General Information	3150-AC49
3905	+ Adjudications -- Special Procedures for Resolving Conflicts Concerning the Disclosure or Nondisclosure of Information	3150-AB78
3906	Functions of Atomic Safety and Licensing Appeal Board	3150-AC46
3907	+ Nondiscrimination on Basis of Age in Federally Assisted Commission Programs	3150-AA06
3908	Charges for the Production of Records	3150-AC52
3909	Telephone Reporting of Significant Events Involving Byproduct, Source, or Special Nuclear Material	3150-AC53
3910	+ Registration of Sources and Devices	3150-AB34
3911	+ Financial Responsibility of Materials Licensees for Cleanup After Accidental and Unexpected Releases	3150-AB58
3912	+ Bankruptcy Filing; Notification Requirements	3150-AC16
3913	+ Licenses and Radiation Safety Requirements for Well-logging Operations	3150-AB35
3914	+ Changes in Property Insurance Requirements for NRC Licensed Nuclear Power Plants	3150-AA47
3915	+ Radon 222 Estimate for Table S-3	3150-AA87
3916	+ Operators' Licenses	3150-AA88
3917	Timing Requirements for Full Participation Emergency Preparedness Exercises for Power Reactors Prior to Receipt of an Operating License	3150-AC37
3918	+ Material Control and Accounting Requirements for Licensees Authorized to Possess and Use Formula Quantities of Strategic Special Nuclear Material	3150-AA50
3919	+ Reporting of Special Nuclear Material Physical Inventory Summary Results	3150-AB26
3920	+ Changes to Safeguards Reporting Requirements	3150-AB46
3921	+ Modification of Protection Requirements for Spent Fuel Shipments	3150-AA96
3922	Requirements for Criminal History Checks	3150-AC27

NUCLEAR REGULATORY COMMISSION (NRC) — Prerule Stage

3856. RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Abstract: The advance notice of proposed rulemaking seeks comments on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated. The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient means of dealing with disposal of wastes below regulatory concern. This rule would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240). The public will be asked to comment on 14 questions.The ANPRM requests public comment on several alternative approaches the NRC could take. Public comment will help to determine whether and how NRC should proceed on the matter.

Timetable:

Action	Date	FR Cite
ANPRM	12/02/86	51 FR 43367
ANPRM Comment Period End	03/02/87	51 FR 43367

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4300

RIN: 3150-AC35

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

3857. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Abstract: The Nuclear Regulatory Commission has deferred further consideration of this proposal which would have revised the Commissions's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would comprehensively restate current practice , retitle the hearing office, and revise and reorganize the Commission's procedural rules. The changes in this proposed rule would enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: B. Paul Cotter, Jr., Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, **301 492-7814**

RIN: 3150-AB66

3858. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790 (c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw pursuant to 10 CFR 2.790 (c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AC07

3859. NEGOTIATED RULEMAKING ON THE SUBMISSION AND MANAGEMENT OF RECORDS AND DOCUMENTS RELATED TO THE LICENSING OF A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF HIGH LEVEL WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 2

Abstract: The Nuclear Waste Policy Act (NWPA) provides three years for the NRC to reach a decision on construction authorization for a high level waste repository. In order for the NRC to be able to make its decision within the allotted time, ready access to all pertinent records must be assured to all parties in the licensing proceeding. The DOE has committed to develop an electronic information management system to be used for the licensing proceeding. The NRC staff intends to use the process of negotiated rulemaking to develop a proposed rule that would revise the Commission's discovery procedure and motion practice in 10 CFR Part 2 for the high level waste licensing proceeding.

This rule would require the DOE license application and all supporting records to be provided in a standardized electronic format. All parties to the licensing proceeding would be required to submit all relevant data to this system. In turn all parties would have access to the data base. The NRC published a Notice of Intent on December 18, 1987 which announced the agency's intent to publish this rule.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	
Final Action	10/14/88	

Small Entity: Undetermined

Agency Contact: Ken Kalman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4071**

RIN: 3150-AC44

3860. RETENTION PERIODS FOR RECORDS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

Abstract: This proposed rule would establish a specific retention period for certain NRC-required records. It would also provide a uniform standard acceptable to the NRC for the condition of a record throughout a specified retention period. Further, the rule would establish throughout NRC regulations, with some exceptions, uniform retention periods of three years, five years, ten years, and the life of a license. This rule would bring NRC regulations into compliance with the Office of Management and Budget's (OMB) regulation (5 CFR 1320.6) that requires a specified retention period for each required record. It also implements NRC's 1982 commitment to OMB to establish a record retention period of determinable length for each required record.

Amending twenty one parts of NRC regulations to specify clearly what records to retain, how long to retain them, and the condition of a record useful for NRC inspection, will be mutually beneficial to applicants and licensees and to the NRC.

Recordkeeping labor for NRC's approximately 6,700 licensees who would be affected by the rule can be divided into four functions: (1) preparing the report, (2) storing the report, (3)

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	04/30/88	

Small Entity: No

Additional Information: ABSTRACT CONT: files, and (4) retrieving the report information.

The principal savings to the licensee, dispersed over the period licensed,

would be in physical storage space and associated storage equipment and materials. The burden of recordkeeping would be reduced approximately 10 percent annually for these licensees by the proposed rule. An estimated 466,323 hours associated with recordkeeping or $28,000,000 annually would be saved. Preparing and publishing this rule would cost NRC approximately 3000 hours of staff time at $60 per hour for an estimated total of $180,000

Agency Contact: Brenda Jo. Shelton, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-8132**

RIN: 3150-AB43

3861. ● DELETION OF PART 11 REQUIREMENTS FOR RENEWAL OF "R" CLEARANCES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 11

Abstract: The current regulations require licensees to renew "R" clearances every 5 years. This level of clearance corresponds to the "L" clearances used by NRC and DOE which do not require renewal. Because of this equivalence, the renewal requirement for the"R" level licensee clearance is deemed unnecessary. This rulemaking would delete that requirement from Part 11.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Agency Contact: Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Reseach, Washington, DC 20555, **301 443-7746**

RIN: 3150-AC58

3862. ● DISPOSAL OF LOW-LEVEL RADIOACTIVELY CONTAMINATED WASTE OIL FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2167; 42 USC 2073

CFR Citation: 10 CFR 20

Abstract: The proposed rule, which is being initiated in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15, dated July 31, 1984), would amend NRC regulations to allow onsite incineration of waste oil at nuclear power plants subject to specified conditions. Currently, the only approved disposal method for low-level, radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is a clear need to allow, for very low activity level wastes, the use of alternative disposal methods which are most cost effective from a radiological health and safety standpoint and which conserve the limited disposal capacity of low-level waste burial sites.

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. There would be, in a mature reactor economy, an estimated industry-wide economic savings of approximately $5 million to $18 million per year if such a rule

Timetable:

Action	Date	FR Cite
NPRM	02/01/88	
Final Action	12/30/88	

Small Entity: No

Additional Information: ABSTRACT CONT: were promulgated.

Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be releases to the environment on an unrestricted basis. It is estimated that approximately 1-2 person-years of NRC staff time will be required to process this rule

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7689**

RIN: 3150-AC14

3863. + RESIDUAL RADIOACTIVE CONTAMINATION LIMITS FOR DECOMMISSIONING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The proposed rule would establish residual radioactive contamination limits (including induced and other volumetric radioactivity as well as removable and fixed surface contamination) which must be met before structures and lands can be released on an unrestricted, unregulated basis. Structures and lands with residual radioactive contamination below these limits would be eligible for unrestricted release without regulatory restrictions from a radioactivity standpoint.

The proposed amendments are necessary to provide licensees with quantitative criteria to use during decommissioning relative to cleanup of structures and lands intended to ensure that structures and lands used in NRC licensed facilities and activities will be decontaminated in a manner that adequately protects public health before being released on an unrestricted, unregulated basis.

Alternatives to rulemaking would be continues reliance on the issuance of criteria as guidance. However, the criteria are currently incomplete, decisions on implementation and compliance are often required on a case-by-case basis, and criteria issued

Timetable:

Action	Date	FR Cite
NPRM	05/15/88	
Final Action	08/15/89	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: by guidance may not be enforced in the manner of legally binding regulations. The proposed rule would relieve the administrative burden on NRC and licensee while providing a consistent and enforceable basis for agency action. NRC resource requirements are approximately 2 staff-years and a $237,000 research contract. Staff is participating in an EPA organized interagency working group developing Federal guidance on this subject.

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7689**

RIN: 3150-AC21

3864. + PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e), both of which require the reporting of safety defects by licensees. In addition, Part 21 requires reporting by non-licensees. This proposed amendment was prompted by TMI Action Plan Task II, J.4, and NRC staff experience with Part 21 and section 50.55 (e) reporting. The main objectives of the rulemaking effort are: (1) elimination of duplicate evaluation and reporting of safety defects; (2) consistent threshold for safety defect reporting in Part 21 and section 50.55(e); (3) establishment of consistent and uniform content of reporting under Part 21 and section 50.55 (e) and (4) establishment of time limits within which a defect must be evaluated and reported.

Approximately 500 reports are submitted to the Commission annually under Part 21. Approximately 1500 reports are submitted to the Commission annually under section 50.55 (e). These reports identify both plant-specific and generic safety for further NRC regulatory action. Under current rules, these reports have formed the basis for NRC issuance of numerous NRC information notices and bulletins. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/28/87	
Final Action	12/21/87	

Small Entity: No

Additional Information: ABSTRACT CONT:

Alternatives to this rulemaking approach which were considered, varied from establishment of a single rule for all reporting of safety defects and operating reactors events to maintaining status quo for defect reporting. All alternatives were rejected since they would not substantially improve the current safety defect reporting situation.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at $10.08 million annually for industry and 1.74 million annually for NRC evaluations. It is anticipated that the industry reporting burden should be reduced by $1.93 million; while NRC burden should remain the same. Additional industry burden, though minimal, is anticipated in the area of reissuing procedures for reporting and record keeping.

The Commission disapproved this proposed rule on 10/20/86 and provided direction to the staff to revise the proposed rulemaking.

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Analysis and Evaluation of, Operational Data, Washington, DC 20555, **301 492-7613**

RIN: 3150-AA68

3865. ● + FEE SCHEDULE CHANGE FOR NRC "U" AND "Q" ACCESS AUTHORIZATIONS

Legal Authority: 42 USC 2201; 42 USC 2273; 42 USC 5841

CFR Citation: 10 CFR 11; 10 CFR 25

Abstract: The final rule would increase the fees for NRC "U" or "Q" access authorizations charged to NRC licensees and others applying for access authorizations which require full field background investigations.

The final amendment is in response to the Office of Personnel Management's notification of an increase in cost to conduct background investigations. There are no reasonable alternatives to rulemaking for implementing the increased rates. This rule will have a negligible effect on the general public. NRC resources required for processing this rule through final production are estimated to be 50 staff hours.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Duane G. Kidd, Nuclear Regulatory Commission, Office of Administration and Resources Management, Washington, DC 20555, **301 492-4124**

RIN: 3150-AC59

3866. + SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EXPOSURE DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Abstract: The proposed rule would amend the present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 25-35% of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981, (American National Standard. N432) it is not clear that all manufacturers are adopting the standard.

The alternatives considered were to (1) take no action at this time, (2) amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory guide endorsing the consensus standard, supplemented by such other (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/25/87	
Final Action	03/31/88	

Small Entity: Yes

Additional Information: ABSTRACT CONT: performance standards deemed necessary, plus a requirement for radiographers to wear alarm dosimeters.

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Cost of incorporating the proposed changes are estimated to be a one-time cost $1,600 per licensee to purchase alarm dosimeters and $250.00 per year per licensee to replace existing devices with devices that meet the requirements of the consensus standard. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7989**

RIN: 3150-AC12

3867. ● CONTROLS OF AEROSOLS AND GASES

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: During the recent complete revision of 10 CFR Part 35, "Medical Uses of Byproduct Material," the radiation safety requirements for use of radioactive gases and aerosols were combined. A petition for rulemaking (PRM-35-6) requested that use of radioactive aerosols not be confined to rooms at negative pressure. The staff has determined that confining use of TC-99m DTPA to a negative pressure room was not necessary for protecting hospital workers. Furthermore, certain patients would be deprived of a beneficial procedure if they could not be moved or a negative pressure room were not available. Therefore, rulemaking is being initiated to remove the restriction on use of radioactive aerosols only in rooms at negative pressure.

Timetable:

Action	Date	FR Cite
NPRM	01/31/88	
Final Action	07/31/88	

Small Entity: No

Agency Contact: Judith D. Foulke, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7681**

RIN: 3150-AC60

3868. + SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define those terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues.

Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission(cont)

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	

Small Entity: No

Additional Information: ABSTRACT CONT: issuing a policy statement concerning the definitions and their usage.

Since the proposed rule is only clarifying existing requirements, their is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff years in developing the final rule over a two year period. The manpower and time frame will depend upon guidance from the Commission regarding the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR.

Agency Contact: Jerry N. Wilson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-4727**

RIN: 3150-AB88

3869. DEGREE REQUIREMENT FOR SENIOR OPERATORS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The Commission is considering an amendment to its regulations to require, that applicants for a senior operator license of a nuclear power plant hold a baccalaureate in engineering or a related science from an accredited institution after January 1, 1991. Other baccalaureate degrees from an accredited institution may be accepted on a case-by-case basis. This contemplated rulemaking action is due to a Commission decision to enhance the levels of engineering and accident management expertise on shift. The current requirements, for candidates with a baccalaureate degree, of two years of responsible nuclear power plant operating experience, would be amended to require one year of operating experience on a like commercial nuclear reactor operating at greater than twenty percent power. The Commission is also considering issuing a policy statement concurrently with this rule related to utility implementation of the rule.

The staff analysis of comments on the ANPRM has been completed and options for rulemaking and/or policy statements to address degree requirements and training for accident management (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/31/86	51 FR 19561
ANPRM Comment Period End	09/29/86	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: been developed.

Agency Contact: Dan Jones Rowsome, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4813**

RIN: 3150-AC26

3870. ● ALTERNATIVE METHODS FOR LEAKAGE RATE TESTING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission proposes a limited amendment to its regulations to clarify a question of interpretation in regard to leakage testing of containments of light-water cooled nuclear power plants. This proposed amendment would explicitly permit the continued use of a statistical data analysis technique that the NRC has considered to be an

acceptable method of calculating containment leakage rates. Rulemaking is the only acceptable alternative for resolving this issue because the regulations specify the methods the NRC finds acceptable for calculation leakage rates. Because the proposed rule would simply make another method of calculating leakage rates available to the industry, there is no economic impact likely to result from this action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: E. Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3914**

RIN: 3150-AC54

3871. ● + CUSTODY OF URANIUM MILL TAILINGS SITES

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 40

Abstract: The proposed rule would provide procedures to license a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). This amendment would establish a general license for long-term possession and control of uranium mill tailings by the Department of Energy, other designated Federal agencies, or states at their option for active sites now under license. The general license would be formulated so that it would become effective for a particular site upon written NRC approval of a site specific surveillance and maintenance plan. No impact to the public or industry is expected as a result of this proposed action.

Timetable:

Action	Date	FR Cite
NPRM	05/30/88	
Final Action	12/30/88	

Small Entity: No

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7698**

RIN: 3150-AC56

3872. + PART 51; CONFORMING AMENDMENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 51; 10 CFR 60

Abstract: The proposed rule would provide procedures for performing an environmental review of High Level Waste geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental review which NRC performs in licensing other types of nuclear facilities. The issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA. Alternatives are to take no action, issue an ANPRM, or ask Congress for additional legislation.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	09/30/88	

Small Entity: No

Agency Contact: James R. Wolf, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-8694**

RIN: 3150-AC04

3873. ● EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 52

Abstract: The Nuclear Regulatory Commission is considering adding a new part to its regulations to improve the reactor licensing process. The proposed rule would provide for the issuance of early site permits, standard design certifications, and combine construction permits and conditional operating licenses for nuclear power reactors. These procedural reforms are intended to improve the quality, effectiveness, and efficiency of nuclear power plant licensing without detracting from protection of the public health and safety or the public's ability to participate in the licensing process. They are designed to implement as much of the Commission's proposed "Nuclear Power Plant Standardization and Licensing Act of 1987" as is permissible under its existing statutory authority. The proposed legislation is based on an earlier proposal that was developed by the Commission's Regulatory Reform Task Force. If licensing reform legislation is ultimately enacted, the rules can be modified to implement that legislation fully.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Agency Contact: Linda Gilbert, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-7678**

RIN: 3150-AC61

3874. + DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE (HLW) IN 10 CFR PART 60

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: This advance notice of proposed rulemaking (ANPRM) seeks to revise the definition of HLW in Part 60 to reflect certain changes in the legal definition of HLW contained in the Nuclear Waste Policy Act of 1982. Because of the complex issues involved in revising the definition of HLW, which affects virtually the entire radioactive waste management system, the staff is proposing an ANPRM rather than a proposed rule. A revision of the definition of HLW would affect DOE's plans for a geologic repository, costs of waste disposal for certain waste generators, and the development of new technologies and facilities to dispose of certain types of wastes.

A definition of HLW which clearly identifies these highly radioactive wastes needing permanent isolation would benefit the radioactive waste management system. NRC staff time for processing this rule is estimated to be 4 staff years. Alternatives to rulemaking would be to take no action or request Congress to amend the NWPA. The rulemaking would eliminate uncertainty and reduce costs for the public, industry, and NRC.

Timetable:

Action	Date	FR Cite
ANPRM	02/27/87	52 FR 5992
ANPRM Comment Period End	06/29/87	52 FR 16403
NPRM	04/30/88	
Final Action	12/30/88	

Small Entity: No

Agency Contact: Clark Prichard/Frank Costanzi, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7668**

RIN: 3150-AB89

3875. + CRITERIA AND PROCEDURES FOR EVALUATING REQUESTS FOR EMERGENCY ACCESS TO LOW-LEVEL WASTE DISPOSAL SITES

Legal Authority: 42 USC 2021

CFR Citation: 10 CFR 62

Abstract: The proposed rule would establish criteria and procedures that will be used in the execution of the NRC responsibilities under Section 6 of the Low-Level Radioactive Waste Procedures Amendments Act (LLRWPAA). Section 6 of the LLRWPAA authorizes the U.S. Nuclear Regulatory Commission to grant emergency access to any non-Federal low-level waste disposal facility, if necessary to eliminate an immediate and serious threat to the public health and safety or the common defense and security which cannot be mitigated by other means. The proposed rule may have a significant impact on the generators of low-level waste, in that it will establish high standards for qualifying for emergency access, and will require them to provide convincing information to the NRC that their being denied access to low-level waste disposal facilities has resulted in an immediate and serious threat to the public health and safety or the common defense and security.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	08/00/88	

Small Entity: Yes

Agency Contact: Janet Lambert, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4009**

RIN: 3150-AC24

3876. TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Abstract: The proposed rule, would in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Standard No. 6 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition.

Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. Perhaps as important, the favorable and accident experience of every country that bases it domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/30/88	
Final Action	01/30/89	

Small Entity: No

Additional Information: ABSTRACT CONT. program. The action will be handled as a routine updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, will be issued for public comments. The task will be scheduled over a 2 year interval ending June 1989 and will consume 2-3 staff years of effort depending on the ~~number and~~ difficulty of conflicts to be resolved.

Agency Contact: Donald P. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7690**

RIN: 3150-AC41

3877. ● AMENDMENT TO ASSIGN NRC SOLE AUTHORITY FOR APPROVING ONSITE LLW DISPOSAL

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Abstract: This rulemaking would establish NRC's sole authority for approving onsite disposal of low-level waste at all NRC licensed reactors and at Part 70 fuel cycle facilities. There is a need to amend Part 150.15 to authorize one agency (the NRC) to regulate all onsite disposal of low-level waste in order to provide a more comprehensive regulatory review procedure of all onsite waste management activities and to avoid unnecessary duplication of effort. Uniform review procedures by the NRC will provide for greater health hazard at a later date after the site is decommissioned.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	
Final Action	12/30/88	

Small Entity: No

Agency Contact: John Stewart, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7980**

RIN: 3150-AC57

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

3878. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The proposed rule would implement the Equal Access to Justice Act (EAJA) by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been substantially justified. This proposed regulation is modelled after rules issued by the Administrative Conference of the United States (ACUS) and have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent to develop government-wide, "uniform" agency regulations and would describe NRC procedures and requirements for the filing and disposition of EAJA applications. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. This issue was also the subject of litigation in Business and Professional People for the Public Interest v. NRC, 793 F. 2d 1366 (D.C. Cir. 1986). This litigation is being evaluated to determine what if any changes may be necessary in the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT:

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80 revises the EAJA and these revisions are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AA01

3879. + MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349

Next Action Undetermined

Small Entity: No

Agency Contact: Trip Rothschild, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AA05

3880. + LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL AND HIGH- LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

Abstract: The proposed rule would revise existing regulations to establish specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program.

Paragraph (d) of Section 141 of the NWPA requires that any monitored retrievable storage installation pursuant to Section 141 be licensed by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in n unnecessary delay in reviewing a license application if Congress authorizes construction of an MRS. The current requirements in Part 72 for storage of spent fuel in an independent spent fuel storage installation (ISFSI) would be unaffected by this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19106
NPRM Comment Period End	08/25/86	51 FR 21560
Final Action	09/00/87	

Small Entity: No

Agency Contact: Keith Steyer/Charles Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7739**

RIN: 3150-AB70

3881. ISSUANCE OR AMENDMENT OF POWER REACTOR LICENSE OR PERMIT FOLLOWING INITIAL DECISION

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the Commission's "immediate effectiveness' regulation that specifies when an initial adjudicatory decision authorizing the issuance or amendment of a license or permit becomes effective. The proposed rule would (1) remove the existing provision governing the effectiveness of initial decisions regarding power reactor construction permits and (2) revise the Commission's

existing practice regarding "effectiveness reviews" for full-power operating licenses. The proposed rule also would delete language in the existing regulation emanating from Three Mile Island-related regulatory policies, action upon which now has been completed.

The proposed rule would supersede two prior proposed rules entitled "Possible Amendments to "Immediate Effectiveness Rules," published May 22, 1980 (45 FR 43279), and "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule," published October 25, 1982 (47 FR 47260).

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	51 FR 3442
NPRM Comment Period End	04/06/87	51 FR 3442
Final Action	09/00/87	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AC15

3882. REVISION TO EX PARTE AND SEPARATION OF FUNCTIONS RULES APPLICABLE TO FORMAL ADJUDICATORY PROCEEDINGS

Legal Authority: 5 USC 554 (d); 5 USC 557(d)

CFR Citation: 10 CFR 0; 10 CFR 2

Abstract: The proposed rule would amend the Commission's regulations dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions in formal adjudicatory proceedings by updating the agency's rules of practice and incorporating requirements imposed by the Government in the Sunshine Act. Changes are proposed in both the form and the substance of the existing rules to clarify their meaning and to aid agency adjudicatory officials in maintaining effective communication with NRC staff personnel and persons outside the agency while at the same time ensuring that proceedings will be conducted fairly and impartially. This proposed rule supersedes a prior proposed rule entitled, "Ex Parte Communications and Separation of Adjudicatory and Non Adjudicatory Functions," (3150-AA00) published March 7, 1979 (44 FR 12428).

Timetable:

Action	Date	FR Cite
NPRM	03/26/86	51 FR 10393
NPRM Comment Period End	06/26/86	51 FR 19067
Final Action	09/00/87	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AC18

3883. ● RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS-- PROCEDURAL CHANGES IN HEARING PROCESS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission (NRC) is considering amendments to its rules of practice which address the following aspects of the hearing process: admission contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law, or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceedings. These proposals were initially developed by the Regulatory Reform Task Force and published for public comment, together with a number of other proposals, as suggestions for procedural changes in the licensing of nuclear power plants. (49 FR 14698; April 12, 1984). The Commission has decided not to proceed with the April 1984 proposals, except to the extent that they were included in this proposed rule. Therefore, the April 1984 proposals have been deleted from the regulatory agenda.

The NRC is also considering related amendments on the process of intervention that were developed by Commissioner

Timetable:

Action	Date	FR Cite
NPRM	07/03/86	51 FR 24356
NPRM Comment Period End	10/17/86	51 FR 31340
Final Action	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: Asselstine. The staff is analyzing public comments received on the proposals and expects to forward a recommendation for the Commission's consideration in September 1987.

Agency Contact: Linda Gilbert, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-7678**

RIN: 3150-AC22

3884. ● UPDATE OF FREEDOM OF INFORMATION ACT PROCEDURES AND OTHER MINOR AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841; 5 USC 552; 31 USC 9701; 5 USC 552a; 5 USC 552b

CFR Citation: 10 CFR 2; 10 CFR 9

Abstract: The proposed rule would revise Part 9 to reflect changes in the Freedom of Information Act. This action is being taken to comply with Pub. L. 99-570 "Freedom of Information Reform Act of 1986," signed into law by the President on October 1986. These amendments will also reflect recent case law, current NRC organizational structure, and current agency practice and delegation. The revision will also reduce the repetition of statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/06/87	52 FR 29197
NPRM Comment Period End	08/26/87	52 FR 29197
Final Action	10/00/87	

Small Entity: No

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-7211**

RIN: 3150-AC50

NRC

Final Rule Stage

3885. + STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to: (1) provide better assurance of protection against radiation; (2) establish a clear health protection basis for the limits; (3) reflect current information on health risk, dosimetry, and radiation protection practices and experience; (4) provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; (5) be consistent with recommendations of world authorities (ICRP); and (6) apply these standards to all licensees in a consistent manner.

Alternatives to the complete revision of Part 20 considered include (1) no action, (2) delay (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	09/12/86	51 FR 1092
Final Action	01/13/89	

Small Entity: Yes

Additional Information: ABSTRACT CONT: for further guidance; and (3) partial revision of the standards. These were rejected because they ignore scientific advancements, are unresponsive to international and national guidance, and correct only some of the recognized problems with the present Part 20. The benefits of revising Part 20 include (1) updated regulations which reflect contemporary scientific knowledge and radiation protection philosophy, (2) implementing regulations which reflect the ICRP risk-based rationale, (3) reducing life- time doses to individuals receiving highest exposures, (4) implementing provisions for summation of doses from internal and external exposures, (5) providing clearly identified dose limits for the public, (6) providing understandable health-risk base for protection, and (7) placing constraints on collective dose evaluations at levels where risks are trifles.

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7691**

RIN: 3150-AA38

3886. GENERAL REQUIREMENTS FOR DECOMMISSIONING NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 72

Abstract: The proposed rule would provide assurance that licensees fulfill their responsibility to dispose of licensed material including any associated contamination when they cease licensed activity. The proposed rule would also provide the applicant or licensee with appropriate regulatory guidance to decommission a nuclear facility. The issue is addressed through rulemaking to assure that funds for decommissioning will be available and the decommissioning will be carried out in an orderly manner. The Commission has indicated a need for this rulemaking in other previous rulemakings.

The major cost impact of the proposed rule would involve proper planning at all stages of nuclear facility operation. Proper planning includes providing for (1) financial assurance that funding will be available for decommissioning, (2) maintenance of records that could affect decommissioning, and (3) careful(cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/13/78	43 FR 10370
NPRM	02/11/85	50 FR 5600
NPRM Comment Period End	07/12/85	50 FR 23025
Final Action	10/30/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: planning of procedures at the time of decommissioning. For non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an aggregate expenditure of 21 staff-years ($1.6 million) spread over 5 years (or $320,000 per year).

For the approximately 110 power reactors estimated to be affected (i.e., those with operating licenses and those under construction which are at least two-thirds complete) plus 75 research and test reactors, it is estimated that the major impact will result in an aggregate expenditure of 3.8 staff-years ($288,000) spread over 3 years. These expenditures will ensure that adequate measures have been taken to protect the health and safety of occupational workers, the public, and the environment within the confines of optimum cost benefit consideration.

Analysis: Draft Environmental Statement 02/10/81 (46 FR 11666)

Agency Contact: Keith G. Steyer/Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7784**

RIN: 3150-AA40

3887. + EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would, among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard). Currently, the proposed requirements are, for the most

part, required by order. The Commission has decided that these requirements should be addressed by a rule. The cost of the for licensees is estimated to be between $26,000 and $73,000 per year per licensee. The cost to NRC is estimated to be $4000.00 per year per licensee. The NRC will expend about 2 man-years of efforts to promulgate the rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	46 FR 29712
NPRM	04/20/87	52 FR 12921
NPRM Comment Period End	07/20/87	52 FR 12921
Final Action	03/15/88	

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7900**

RIN: 3150-AA41

3888. + INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 33; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 70; 10 CFR 71; 10 CFR 50; 10 CFR 61; 10 CFR 72

Abstract: This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. In addition, the proposed rule would encompass the objective of the proposed rule, "Jurisdiction of Adjudicatory Boards," identified as 3150-AA53, which has been deleted from OMB's Unified Agenda. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20089
NPRM Comment Period End	08/28/87	52 FR 27821

Next Action Undetermined

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AB83

3889. COMPLETENESS AND ACCURACY OF INFORMATION PROVIDED TO THE COMMISSION

Legal Authority: 42 USC 2201; 42 USC 2021a; 42 USC 5841; 42 USC 5851; 42 USC 10141; 42 USC 2273; 42 USC 2201(o)

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 55; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; 10 CFR 72; 10 CFR 150

Abstract: The proposed rule would require all licensees and applicants for licenses to provide the Commission with complete and accurate information, to provide for disclosure of information identified by licensees as significant for licensed activities and to define those circumstances when inaccurate or incomplete information will be considered by the Commission as material false statements.

Timetable:

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7432
NPRM Comment Period End	04/10/87	52 FR 7432

Next Action Undetermined

Small Entity: No

Agency Contact: Mary Wagner, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-8659**

RIN: 3150-AC45

3890. ● REGIONAL NUCLEAR MATERIALS LICENSING FOR THE UNITED STATES NAVY

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The final rule amends provisions concerning the domestic licensing of source, byproduct, and special nuclear materials. The final rule is intended to provide information about the further implementation of NRC's decentralized licensing program. This amendment implements another phase of the process by transferring the newly consolidated U.S. Navy license to Region II. The final rule does not have any cost impact on NRC, the licensee or the public.

Timetable:

Action	Date	FR Cite
Final Action	10/01/87	

Small Entity: No

Agency Contact: George J. Deegan, Nuclear Regulatory Commission, Office of Nuclear Material, Safety and Safeguards, Washington, DC 20555, **301 427-4114**

RIN: 3150-AC55

3891. MISADMINISTRATIONS

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: The Nuclear Regulatory Commission is considering amendments to its regulations governing the use of byproduct material for radiation therapy. In addition to current requirements, the contemplated amendments would require that licensees offering patient care services implement a quality assurance program. The contemplated amendment also clarify plans for responding to misadministrations.

The alternatives to rulemaking considered by the staff were to take no action or to provide quality assurance guidance and request voluntary compliance. The Commission directed the staff to take the rulemaking alternative. Although data on potential cost impacts is incomplete, initial cost estimates indicated that the potential cost to each of the 1200 affected licensees would be about $1000.00 per year.

Timetable:

Action	Date	FR Cite
Final Action	03/00/88	

Small Entity: Yes

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and

Safeguards, Washington, DC 20555, 301 427-4108

RIN: 3150-AC42

3892. + URANIUM MILL TAILINGS REGULATIONS: GROUND WATER PROTECTION AND OTHER ISSUES

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 7901 Note

CFR Citation: 10 CFR 40

Abstract: The proposed rulemaking is intended to incorporate groundwater standards established by the Environmental Protection Agency for uranium mill tailings into NRC regulations. This action is necessary to make NRC regulations conform to EPA standards as required by the Uranium Mill Tailings Radiation Control Act. Comments on the ANPRM helped define the nature and scope of this rule. EPA has estimated that compliance with their groundwater standards and with the stability, radon release, and other requirements recently promulgated will cost the industry from about $310 million to $540 million for all tailings generated by the year 2000. The actual cost will depend on the eventual cost of groundwater protection for future tailings. The EPA regulations are binding on NRC licensees until this proposed rule becomes effective. The comment period was extended in response to a request from the American Mining Congress.

Timetable:

Action	Date	FR Cite
ANPRM	11/26/84	49 FR 46425
ANPRM Comment Period End	03/01/85	50 FR 2293
NPRM	07/08/86	51 FR 24697
NPRM Comment Period End	09/08/86	51 FR 24697
Final Action	10/00/87	

Small Entity: No

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, D.C. 20555, 301 427-4300

RIN: 3150-AB56

3893. ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEM (ECCS) FOR LIGHT WATER NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by allowing the use of realistic methods to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident. This action is proposed because research has shown that calculations performed under current requirements greatly underestimate the ability of the ECCS to protect the core. This restricts the operation of some nuclear reactors unnecessarily and increases the costs of generating electricity. The proposed rule would allow use of the best information currently available to demonstrate that the ECCS would protect the reactor core during a loss-of-coolant accident.

Use of the proposed acceptance criteria could result in a 5 percent power upgrade for affected plants. The present value of energy replacement cost savings resulting from a potential upgrade would range from 13 to $147 million dollars depending on the location and age of a specific plant.

The proposed rule (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	43 FR 57157
NPRM	03/03/87	52 FR 6334
NPRM Comment Period End	07/17/87	52 FR 6334
Final Action	01/30/88	

Small Entity: No

Additional Information: ABSTRACT CONT: would apply to all applicants for and holders of construction permits for light water reactors.

Because the proposed rule represents a significant change in a regulatory requirement, the staff prepared and issued on May 15, 1987, a summary of ECCS research performed over the last 10 years which identifies the technical basis for the proposed rule. A regulatory guide was also prepared and issued on April 2, 1987. This guide provides a definition of what constitutes an acceptable best estimate model and acceptable methods of performing the uncertainty evaluation. The estimated cost to the NRC of this rulemaking is 2-3 staff years and $200,000.

The only option to rulemaking considered by the staff was the continued use of the current licensing approach. At best, this is viewed as an interim solution because two separate calculations are required to meet the requirements of the current regulation and staff conditions for use of the licensing approach and continued use of the approach risks case-by-case litigation.

Agency Contact: Jose' N. Reyes Jr., Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7890

RIN: 3150-AA44

3894. + PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations. Current regulatory practice is no longer being reflected accurately by incorporation in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of

containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to(cont)

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	04/24/87	52 FR 2416
Final Action	06/15/88	

Small Entity: No

Additional Information: ABSTRACT CONT: issue the rule has already been expended.

A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than one percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7893**

RIN: 3150-AA86

3895. + STATION BLACKOUT

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: This proposed rule would require licensees of light water nuclear power plants to ensure that these plants are capable of withstanding a total loss of alternating current (AC) electrical power (called station blackout) to the essential and nonessential switchgear buses for a specified duration. A draft regulatory guide was issued at the same time as the proposed rule to provide guidance on how to determine the duration.

The proposed requirements were developed in response to information generated by the Commission's study of Unresolved Safety Issue A-44, Station Blackout. The proposed rule is intended to provide further assurance that a loss of both off-site and emergency on-site electric AC power systems will not adversely affect the public health and safety.

A regulatory analysis has been prepared for the proposed rule. The estimated public risk reduction is 145,000 person-rem over 25 years, and the estimated total cost for industry to comply with the proposed rule is $60 million. This results in an overall cost benefit ratio of about 2,400 person-rem per million dollars.

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	51 FR 9829
NPRM Comment Period End	06/19/86	51 FR 9892
Final Action	10/31/87	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT:

The alternatives to this proposed rule are to take no action or to provide only guidance for plants to be able to cope with a station blackout period. To take no action would not yield any reduction in public risk from station blackout events. To provide guidance only, since there is presently no requirement for nuclear power plants to be able to cope with a total loss of AC power, would not result in any basis for enforcement. The proposed rule is the recommended alternative based on its enforceability and, in part, on the favorable cost/benefit ratio.

Agency Contact: Alan Rubin/A.W. Serkiz, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-8303**

RIN: 3150-AB38

3896. + BROAD SCOPE MODIFICATION OF GENERAL DESIGN CRITERION 4 REQUIREMENTS FOR PROTECTION AGAINST DYNAMIC EFFECTS OF POSTULATED PIPE RUPTURES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed broad scope modification of General Design Criterion 4 (GDC 4) would allow demonstration of piping integrity by analyses to serve as a basis for excluding consideration of dynamic effects associated with pipe ruptures. A final rule published April 11, 1986 (51 FR 12502) was limited to the primary loops of pressurized water reactors (PWRs), whereas this proposed rule would cover all high energy piping in all light water reactors (LWRs). The modification would permit the general but selective removal of pipe whip restraints and jet impingement shields from operating plants, plants under construction, and future plant designs, but will not impact other design requirements for containment design or ECCS performance. Alternative equipment qualification requirements developed by industry based on leak-before-break may be submitted to the NRC for review and approval in a limited number of applications.

The only alternatives to rulemaking would be the granting of exemptions to GDC 4 or reinterpretation of the text of the existing rule. The staff has, however indicated that extensive (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26393
NPRM Comment Period End	09/22/86	51 FR 26393
Final Action	11/16/87	

Small Entity: No

Additional Information: ABSTRACT CONT: use of exemptions to authorize the elimination of pipe whip restraints is inappropriate and that long precedence prohibits reinterpretation. Therefore, it appears appropriate to undertake rulemaking at this time.

Agency Contact: John A. O'Brien, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7854**

RIN: 3150-AC05

3897. + CODES AND STANDARDS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Commission proposes to amend its regulations to incorporate by reference the Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section III, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1983 Addenda, Summer 1984 Addenda, Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section XI, Division 1 of the ASME Code. A limitation is placed on the use of paragraph IWB-3640 as contained in the Winter 1983 Addenda and Winter 1984 Addenda of Section XI, Division 1. This limitation requires that for certain types

of welds, IWB-3640 be used as modified by the Winter 1985 Addenda. The sections of the ASME Code being incorporated provide rules for the construction of light-water- cooled nuclear power plant components and specify requirements for inservice inspection of those components. Adoption of these amendments would permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	06/26/87	52 FR 24015
NPRM Comment Period End	08/25/87	52 FR 24015
Final Action	12/25/87	

Small Entity: No

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7713**

RIN: 3150-AC29

3898. CONSIDERATION OF EMERGENCY PLANNING RULE CHANGES TO DEAL WITH LACK OF GOVERNMENTAL COOPERATION IN OFFSITE EMERGENCY PLANNING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would, in limited circumstances, allow a full power nuclear plant operation to begin when there is a lack of State or local government cooperation in offsite emergency planning. In earlier regulations, the Commission published revised emergency planning regulations which required that emergency plans be developed by licensees in cooperation with State and local governments. Although the Commission acknowledged the possibility that some governments might not cooperate, the Commission premised the new rules on a coordinated effort among all parties. Because this coordination has proved impossible to achieve in a few isolated cases, this proposed rulemaking is intended to cover those cases not contemplated by the 1980 amendments. The amendments will probably not impact on NRC resources. Industry may experience a positive financial effect in the earlier operation of nuclear power plants already completed but currently non-operational due to local and state government non-cooperation. The public may be affected in that there may be less coordinated offsite emergency planning as compared to sites where full coordination has been achieved.

Timetable:

Action	Date	FR Cite
NPRM	03/06/87	52 FR 6980
NPRM Comment Period End	06/04/87	52 FR 6980

Next Action Undetermined

Small Entity: No

Agency Contact: William M. Shields, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-8693**

RIN: 3150-AC36

3899. + TABLE S-3, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES AND APPENDIX B EXPLANATORY NARRATIVE

Legal Authority: 42 USC 2011; 42 USC 4321

CFR Citation: 10 CFR 51

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed rule was published for public review and comment (46 FR 15154, March 4, 1981), but the final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v NRC, NO. 74-1486) in the U.S. Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision of April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	46 FR 15154
Final Action	12/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed rule to provide a narrative explanation for Table S-3 was revised to reflect new developments and the passage of time while the rulemaking was deferred. However, final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 can be added to the table and covered in the narrative explanation. On October 7, 1984, EPA promulgated new radon standards for inactive uranium mill sites and in October 1985 NRC published revised uranium milling regulations conforming to the new EPA standards. However, EPA received, in August 1985, a court order requiring them to establish radon standards for active uranium mills. EPA's final standards are scheduled to be issued in August 1986. The Commission has directed staff to develop a schedule for completing the narrative explanation of Table S-3 and the new values for radon-222 and technetium-99.

The Staff's estimate is that the completion of a final Table S-3 rule covering the new values for radon-222 and technetium-99, and the narrative explanation will be completed in 1989.

Agency Contact: Glenn A. Terry, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4283**

RIN: 3150-AA31

3900. + ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: The Nuclear Waste Policy Act of 1982 directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121 (c) of this act states that these criteria must be consistent with standards to be

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developed by EPA for the disposal of HLW in deep geologic repositories. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirements.

Because the NWPA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff years but will not include contract resources.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22288
NPRM Comment Period End	08/18/86	51 FR 22288
Final Action	10/30/87	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7668**

RIN: 3150-AC03

3901. + CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Abstract: The final rule will revise the ENO criteria to eliminate the problems that were encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do through rulemaking.

There is no impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule would also be responsive to PRM-140-1.

It is estimated that approximately 1.0 man years of NRC staff time will be required to process the final rule. No contract funding is anticipated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	
Final Action	11/30/87	

Small Entity: No

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7691**

RIN: 3150-AB01

NUCLEAR REGULATORY COMMISSION (NRC) — Completed Actions

3902. ● RESTRICTIONS AGAINST OWNERSHIP OF CERTAIN SECURITY INTERESTS BY COMMISSIONERS, CERTAIN STAFF MEMBERS, AND OTHER RELATED PERSONNEL: VESTED PENSION INTERESTS

Legal Authority: 42 USC 2035; 42 USC 2201; 42 USC 5841; 18 USC 207

CFR Citation: 10 CFR 0

Abstract: The final rule amends the regulations governing the ownership by NRC employees of stocks, bonds, and other security interests in companies engaged in activities relating to the nuclear fuel cycle. The final rule also addresses the treatment of pension interests held by NRC employees. Present NRC regulations require that employees not own security interests in companies engaged in fuel cycle activities, regardless of whether the company derived significant gross revenues or a significant percentage of its revenues from those activities. Under the revised regulation, the NRC's Executive Director for Operations, after consultations with the Office of the General Counsel, will designate the major fuel cycle applicants and licensees whose security interests are subject to the agency's stock ownership restrictions and thus may not be owned by NRC employees. With regard to vested pension interests, the amendment to the regulations codifies existing agency practice to provide explicitly that no employee is to provide advice to the NRC on matters affecting a company in which he or she has a vested pension interest from prior employment. {cont}

Timetable:

Action	Date	FR Cite
Final Action	04/07/87	52 FR 11026
Final Action Effective	09/07/87	52 FR 11026

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: Because these amendments relate solely to matters of agency management or personnel, they would have no impact upon the public or the nuclear industry. Adoption of the amendments regarding the prohibited securities list would benefit NRC employees to own security interests in those companies. The adoption of the amendment on vested pensions would have no effect upon NRC employees, since it merely codifies existing agency practice.

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washiongton, DC 20555, **202 634-3224**

RIN: 3150-AC47

3903. ● STANDARDS AND PROCEDURES FOR CASE BY CASE EXEMPTIONS FOR DE MINIMIS INTERESTS FROM PROHIBITION AGAINST EMPLOYEE'S PARTICIPATION IN MATTERS AFFECTING EMPLOYEES'S FINANCIAL INTEREST

Legal Authority: 42 USC 2035; 42 USC 2201; 42 USC 5841; 18 USC 207

CFR Citation: 10 CFR 0

Abstract: The final rule revises NRC regulations governing the granting of statutorily authorized case-by-case exemptions for insubstantial interests from the prohibition against an employee's personal and substantial participation in a particular matter in which the employee, or certain persons or organizations related to the employee, has a financial interest. The final rule, which pertains to all NRC employees, set out revised procedures for granting case-by-case exemptions in

instances where the interests involved is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the employee.

Timetable:

Action	Date	FR Cite
Final Action	08/18/87	52 FR 30902
Final Action Effective	08/18/87	52 FR 30902

Small Entity: No

Agency Contact: Steven Crockett, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AC48

3904. ● STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Legal Authority: 42 USC 2033; 42 USC 2201; 42 USC 2039; 42 USC 2241; 42 USC 5841; 42 USC 5843; 42 USC 5844; 42 USC 5845; 42 USC 5849

CFR Citation: 10 CFR 1

Abstract: The final rule would revise 10 CFR Part 1 which was promulgated on July 18, 1977 (42 FR 36797). Except for a few revisions, such as address changes, the addition of a Commission-level office, and other minor revisions, most of the descriptions of the Commission's organizational structure have remained unaltered since 1977. During the interim, there have been numerous reorganizations in the structure and functions of many of the Commission's offices. The final rule will reflect the current functional descriptions of these offices.

Timetable:

Action	Date	FR Cite
Final Action Effective	08/19/87	
Final Action	08/21/87	52 FR 31601

Small Entity: No

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-7211**

RIN: 3150-AC49

3905. + ADJUDICATIONS -- SPECIAL PROCEDURES FOR RESOLVING CONFLICTS CONCERNING THE DISCLOSURE OR NONDISCLOSURE OF INFORMATION

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission has withdrawn this rule published in the Federal Register on May 22, 1985 (50 FR 21072). In this rule, the Commission proposed amending it rules of practice to provide special procedures for resolving conflicts concerning the disclosure or non disclosure of information relating to an NRC investigation or inspection not yet concluded or which would reveal the identity of a confidential informant and deemed relevant and material to an adjudication. The Commission decided that in view of the few remaining licensing proceedings and the consequent limited number of occasions in which the proposed procedures might be used in those proceedings, an existing policy statement is an adequate means of resolving these conflicts and thus there is no need at this time to codify the proposed procedures.

Timetable:

Action	Date	FR Cite
Withdrawn	04/15/87	52 FR 12192

Small Entity: No

Agency Contact: Jane R. Mapes, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-8695**

RIN: 3150-AB78

3906. FUNCTIONS OF ATOMIC SAFETY AND LICENSING APPEAL BOARD

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The final rule amends the Nuclear Regulatory Commission's regulations to provide for Atomic Safety and Licensing Appeal Board review of all decisions rendered by an Atomic Safety and Licensing Board in formal agency adjudications. This amendment changes the agency's rules of practice to allow routing referral of requests for certain hearings from a licensing board to an appeal board.

Timetable:

Action	Date	FR Cite
Final Action	01/30/87	52 FR 2993
Final Action Effective	01/30/87	52 FR 2993

Small Entity: No

Agency Contact: Trip Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AC46

3907. + NONDISCRIMINATION ON BASIS OF AGE IN FEDERALLY ASSISTED COMMISSION PROGRAMS

Legal Authority: 42 USC 6101

CFR Citation: 10 CFR 4

Abstract: The final rule implements the provisions of the Age Discrimination Act of 1975, as amended. The final amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The final rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS).

Timetable:

Action	Date	FR Cite
NPRM	09/21/81	46 FR 46582
NPRM Comment Period End	11/20/81	
Final Action	07/07/87	52 FR 25355
Final Action Effective	07/07/87	52 FR 25355

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business

Utilization/Civil Rights, Washington, DC, **301 492-7697**

RIN: 3150-AA06

3908. ● CHARGES FOR THE PRODUCTION OF RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The final rule will revise the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. The amendment is necessary in order to inform the public of these changes resulting from the NRC's award of a new contract for the copying of records.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/09/87	52 FR 29505
Final Action	08/10/87	52 FR 29505

Small Entity: No

Agency Contact: David L. Meyer, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-7086**

RIN: 3150-AC52

3909. ● TELEPHONE REPORTING OF SIGNIFICANT EVENTS INVOLVING BYPRODUCT, SOURCE, OR SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The final rule would amend NRC regulations regarding the telephone reporting of significant events involving byproduct, source, or special nuclear material. This action is being taken because current procedures often result in unnecessary delays before the event is reported to an appropriate NRC official. The amendment applies to all holders of licenses issued for the receipt, possession, use or transfer of byproduct, source, or special nuclear material who do not have an installed Emergency Notification System. There will be no increased cost to the affected licensees, as the amendment merely changes the initial point of contact for the telephone reporting.

Timetable:

Action	Date	FR Cite
Final Action	09/09/87	52 FR 33916

Small Entity: No

Agency Contact: Morton Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7975**

RIN: 3150-AC53

3910. + REGISTRATION OF SOURCES AND DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2071; 42 USC 2092

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 40; 10 CFR 70

Abstract: NRC regulations clearly provide for pre-marketing approval of certain sealed sources and devices, such as smoke detectors and gauges. The regulations are less clear with respect to pre- marketing approval of other products, such as industrial radiographic and in-plant gauging devices. The final rule will clearly state the procedures for manufacturers and distributors of sources and devices to obtain pre-marketing approval of products to be used under specific license. Consistent with present practice, the rule requires the applicant to submit for approval specified radiation safety information about the product.

The final rule will assure that all manufacturers and distributors (vendors) are informed of NRC's program for pre-marketing approval of sources and devices and under specific license. The rule, by improving communication with the vendors, will assure timely and efficient consideration of radiation safety features of products and thus reduce administrative costs for vendors, users and NRC.

Timetable:

Action	Date	FR Cite
Final Action	07/24/87	52 FR 27782
Final Action Effective	08/24/87	52 FR 27782

Small Entity: Yes

Agency Contact: Steven L Baggett, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-9005**

RIN: 3150-AB34

3911. + FINANCIAL RESPONSIBILITY OF MATERIALS LICENSEES FOR CLEANUP AFTER ACCIDENTAL AND UNEXPECTED RELEASES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The Commission issued and advance notice of proposed rulemaking (ANPRM) in June 1985, which sought comments on the advisability of having NRC require a mechanism to assure financial capability on the part of certain NRC materials licensees (e.g., fuel fabricators and users of sealed radiation sources) to undertake prompt cleanup of accidental releases or contamination, both on and off site. Estimates for cleanup costs in the recent past have ranged up to $2 million for a single event. To date, cleanup has been conducted only by the State or Federal government; however; public monies are frequently used only after lengthy delays.

This rulemaking was terminated by the EDO on May 29, 1987. This rule may be re-initiated upon completion and staff analysis of ongoing contractor studies.

Timetable:

Action	Date	FR Cite
ANPRM	06/07/85	50 FR 20906
ANPRM Comment Period End	11/07/85	50 FR 41904
Withdrawn	05/29/87	

Small Entity: Undetermined

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4647**

RIN: 3150-AB58

3912. + BANKRUPTCY FILING; NOTIFICATION REQUIREMENTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The final rule requires licensees to notify the appropriate regional office of the NRC in the event of a bankruptcy proceeding involving the licensee.

Notification of the NRC in cases of bankruptcy alerts the Commission so that it may deal with potential hazards to the public health and safety posed by a licensee that does not have the resources to properly handle licensed radioactive material or clean up possible contamination. This rule is necessary because instances have occurred in which materials licensees have filed for bankruptcy and NRC has not generally been aware of this.

Timetable:

Action	Date	FR Cite
NPRM	06/20/86	51 FR 22531
NPRM Comment Period End	07/21/86	
Final Action	01/12/87	52 FR 1292
Final Action Effective	02/11/87	52 FR 1292

Small Entity: No

Agency Contact: Keith Steyer/Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7739**

RIN: 3150-AC16

3913. + LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL-LOGGING OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 39

Abstract: The final rule establishes specific radiation safety requirements applicable to licensees who perform operations such as well-logging and subsurface use of radioactive materials in tracer studies. The final rule is necessary because current NRC regulations address these operations in a general way without providing specific guidance. The rule generally codifies existing licensing practice. Thus, there would be essentially no net incremental costs to licensees. The main benefit would be to formally state NRC requirements in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13797
NPRM Comment Period End	07/08/85	50 FR 13797
Final Action	03/17/87	52 FR 8225
Final Action Effective	07/14/87	52 FR 8225

Small Entity: No

Agency Contact: Stephen McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7900**

RIN: 3150-AB35

3914. + CHANGES IN PROPERTY INSURANCE REQUIREMENTS FOR NRC LICENSED NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The final rule requires nuclear power plant licensees to obtain an increased amount of onsite property damage insurance from the current minimum of $585 million to $1.06 billion. The NRC believes that this insurance should be required so that the financing and pacing of cleanup following an accident does not become a public health and safety problem. These changes will increase the amount of insurance required to $1.06 billion, impose a modified decontamination priority on any proceeds subject to the decontamination priority shall be paid to an independent trustee. All commercial reactor licensees are subject to this rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/82	47 FR 27371
ANPRM Comment Period End	09/22/82	47 FR 27371
NPRM	11/08/84	49 FR 44645
NPRM Comment Period End	02/07/85	49 FR 44645
Final Action	08/05/87	52 FR 28963
Final Action Effective	10/05/87	52 FR 28963

Small Entity: No

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555, **301 492-9885**

RIN: 3150-AA47

3915. + RADON 222 ESTIMATE FOR TABLE S-3

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: In a Federal Register notice published on April 14, 1978, the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated. Pending rulemaking action to provide a new estimate for radon-222 in Table S-3 the environmental effects of radon are subject to litigation in individual nuclear power plant licensing proceedings. The proposed rule was to deal with this question generically for all nuclear power plants; however, the NRC does not expect to receive applications for new nuclear power plant licenses within the near future, and certain regulatory issues related to radon have not yet been resolved.

This rule was terminated by the EDO on 11/29/86. The issues in this proposed rule are being combined with the proposed rule entitled, "Table S-3, Addition of Radon-222 and Technetium-99 Radiation Values and Appendix B Explanatory Narrative".

Timetable:

Action	Date	FR Cite
Withdrawn	11/29/86	
NPRM	03/00/88	

Small Entity: No

Agency Contact: William Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7682**

RIN: 3150-AA87

3916. + OPERATORS' LICENSES

Legal Authority: 42 USC 2137; 42 USC 2201; 42 USC 5841; 42 USC 10226

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The Nuclear Regulatory Commission is amending its regulations to (1) require each holder of and each applicant for a license to operate a commercial nuclear power plant to establish and use a systems approach in developing training programs and establishing qualifications requirements for civilian nuclear power plant operators, supervisors, technicians, and, as appropriate, operating personnel; (2) clarify the regulations for the issuance of licenses to operators and senior operators; (3) revise the requirements and scope of written examinations and operating tests for operators and senior operators; (4) codify procedures for the administration of requalification examinations; and (5) describe the form and content for operator license applications.

The final rule is in response to Section 306 of the Nuclear Waste Policy Act of

1982. A regulatory analysis showed a public risk reduction of 268,000 person-rem at a cost of $240.4 million dollars resulting in a value/impact ratio of 1,100 person-rem/ $million.

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46428
NPRM Comment Period End	02/24/85	
Final Action	03/25/87	52 FR 9453
Final Action Effective	05/26/87	52 FR 9453

Small Entity: No

Agency Contact: John Hannon, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4868**

RIN: 3150-AA88

3917. TIMING REQUIREMENTS FOR FULL PARTICIPATION EMERGENCY PREPAREDNESS EXERCISES FOR POWER REACTORS PRIOR TO RECEIPT OF AN OPERATING LICENSE

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The final rule relaxes the timing requirements for a full participation emergency preparedness exercise for power reactors prior to receipt of an operating license. The Commission believes that the rule will more effectively focus available resources on the pertinent issues and problems in establishing and maintaining an upgraded and effective day-to-day status of emergency preparedness.

The rule provides consistency to the regulations governing the frequency and timing of emergency preparedness exercises between the preliminary and post licensing stages, and also provide more flexibility in the timing of the full participation exercises to accomodate the needs of State and local governments prior to the issuance of an operating license.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43369
NPRM Comment Period End	01/12/87	52 FR 543
Final Action	05/06/87	52 FR 16823
Final Action Effective	05/06/87	52 FR 16823

Small Entity: No

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7657**

RIN: 3150-AC37

3918. + MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LICENSEES AUTHORIZED TO POSSESS AND USE FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 74

Abstract: The final rule replaces existing material control and accounting (MC&A) requirements for fuel cycle facilities that are authorized to possess and use formula quantities of strategic special nuclear material (SSNM).

It establishes a performance-oriented regulation that emphasizes timely detection of formula quantity SSNM losses and provides for more conclusive resolution of discrepancies than is currently achievable. Experience with existing regulations has demonstrated weaknesses in the area of alarm resolution principally because of a lack of timely detection of anomalies and poor loss localization capabilities. This rule would alleviate these liabilities by requiring tests on a more timely basis on small plant subdivisions.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/81	46 FR 45144
ANPRM Comment Period End	02/09/82	46 FR 56625
NPRM	02/02/84	49 FR 4091
NPRM Comment Period End	09/05/84	49 FR 4091
Final Action	03/30/87	52 FR 10033
Final Action Effective	04/29/87	52 FR 10033

Small Entity: No

Public Compliance Cost: Initial Cost: $2,300,000; Yearly Recurring Cost: -$800,000

Agency Contact: C. W. Emeigh, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4769**

RIN: 3150-AA50

3919. + REPORTING OF SPECIAL NUCLEAR MATERIAL PHYSICAL INVENTORY SUMMARY RESULTS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 70; 10 CFR 74

Abstract: Prior to this rule becoming final, NRC's regulations required fuel facility licensees to conduct periodic physical inventories of the special nuclear material (SNM) which they possessed. Although the affected licensees have been voluntarily reporting summary data of their physical inventories to the NRC since 1975, a requirement for this routine reporting has never been incorporated into the regulations.

This final rule corrects the former reporting deficiency by requiring the affected fuel facility licensees to provide the necessary summary data of their physical inventories on NRC Form 327. Since these licensees are already supplying this information voluntarily and the NRC is already routinely using it, there are no additional costs or other impacts associated with the rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	05/22/87	52 FR 19303

Small Entity: No

Agency Contact: Darrell Huff, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 427-7077**

RIN: 3150-AB26

3920. + CHANGES TO SAFEGUARDS REPORTING REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 74

Abstract: The final rule amends reporting requirements of section 73.71 for reports of unaccounted for shipments, suspected thefts, unlawful diversion, and other safeguards events. (Conforming amendments are included for 10 CFR Parts 70, 72, and 74). The staff has found the present requirements confusing to licensees and, therefore, difficult for licensees to implement properly. These difficulties

have contributed to reports of safeguards events that lack uniformity and contain insufficient data to permit analysis of these events.

The final amendments redefine, in clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour notification by telephone is deleted. All events will be reported by telephone within one hour or logged in licensee records to be submitted to the NRC quarterly . Concurrent with the rule revision, a revised regulatory guide is being issued which provides a format for reporting to the NRC and gives example of what types of events should be reported.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34708
NPRM Comment Period End	12/31/85	50 FR 48220
Final Action	06/09/87	52 FR 21651
Final Action Effective	11/08/87	52 FR 21651

Small Entity: No

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4773**

RIN: 3150-AB46

3921. + MODIFICATION OF PROTECTION REQUIREMENTS FOR SPENT FUEL SHIPMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: By memorandum dated January 20, 1987, the Executive Director for Operations terminated activity on this rulemaking.

The proposed rule would have moderated the current requirements for the protection of spent fuel shipments against radiological sabotage. The proposed rule would have provided the level of safeguards deemed essential to the protection of spent fuel shipments.

Timetable:

Action	Date	FR Cite
Withdrawn	01/20/87	

Small Entity: No

Agency Contact: Carl B. Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4269**

RIN: 3150-AA96

3922. ● REQUIREMENTS FOR CRIMINAL HISTORY CHECKS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The final rule adds a new requirement for the control and use of criminal history data received from the Federal Bureau of Investigation (FBI) as part of proposed Federally mandated criminal history checks of individuals granted unescorted access to nuclear power plants or access to Safeguards Information by power reactor licensees. Issuance of this proposed rule is in response to Public Law 99-399, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, and thus, there is no alternative to rulemaking. This legislation requires the NRC to issue regulations to establish conditions for the use and control of the criminal history data received from the FBI.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40438
NPRM Comment Period End	12/08/86	
Final Action	03/02/87	52 FR 6310
Final Action Effective	04/01/87	52 FR 6310

Small Entity: No

Agency Contact: Kristina Z. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, **301 427-4754**

RIN: 3150-AC27

[FR Doc. 87-21269 Filed 10-23-87; 8:45 am]

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federal register

Monday
October 26, 1987

Part LVI

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-6732, 34-24860, 35-24450, 39-2110, IC-15950, and IA-1079; File No. S7-31-87]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 87-16. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews expected to be completed during the next twelve months. The Commission invites questions and public comment on individual agenda entries.

DATE: Public Comments are due by December 31, 1987.

ADDRESSES: Persons wishing to submit written views should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-31-87, and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: William J. Atkinson, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, NW., Room 7169, Stop 7-6, Washington, DC 20549 (202-272-7100). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose or adopt which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1]

The RFA also requires the Commission to publish a plan for the periodic review of all rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities.[2] The Commission published such a plan in 1981.[3] The plan provides for the review of all rules in effect on January 1, 1981 within ten years of that date and for the review of all rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4]

The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be subject to RFA review requirements. The Commission is identifying them here in order to inform the public of its intention to review them. The agenda also identifies the rulemaking actions which have been completed (or withdrawn) since the last RFA release was approved by the Commission on April 24, 1987.[5]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included, nor is the Commission required to consider or act on any matter which is included.[6] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.[7] This preliminary judgment may be changed upon further analysis.

The Commission's entries to the October 1987 Unified Agenda of Federal Regulations are listed below. The Commission's agenda includes new entries as well as items carried over from the April 1987 publication. New entries are marked with an asterisk. Copies of this preamble and a list of the entries (which includes next action dates and identifies a staff contact) are available from the Commission's Office of Public Affairs (Room 1015). The agenda also is available for inspection and copying in the Public Reference Room (Room 1026) (File S7-31-87), as noted above.

The Commission invites public comment on the individual entries in its agenda of rulemaking actions and rules scheduled for review in the next twelve months.

Dated: August 28, 1987.

By the Commission.

Jonathan G. Katz,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3923	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties..	3235-AB45
3924	17 CFR 210 Proposed Additions to Rules and Guide for Disclosures concerning Reserves for Unpaid Claims and Claim Adjustment Expenses of Property - Casualty Underwriters.....	3235-AC44

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6362 (June 24, 1981) [46 FR 33287].

[4] 5 U.S.C. 610(c).

[5] Securities Act Release No. 6646 (April 24, 1987) [52 FR 80].

[6] 5 U.S.C. 602(d).

[7] The agenda relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities. *See* Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

SEC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3925	17 CFR 240.3a12-10 Exemption of Sales of Certain Interests and Participations Issued in Connection with H.R. 10 Plans from Section 15(a)	3235-AC16
3926	17 CFR 240.17Ad-8 Rule 17Ad-8 of the Securities Exchange Act	3235-AC29

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3927	17 CFR 210 Request for Comments on "Opinion Shopping"	3235-AC02
3928	17 CFR 240.14d-1 to 240.14d-101 Concept Release on Takeovers and Contests for Corporate Control	3235-AA50
3929	17 CFR 240.16a-1 to 240.16a-11 Reports of Directors, Officers and Principal Stockholders	3235-AB14
3930	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
3931	00 CFR Not yet determined Rulemaking for Operational Edgar System	3235-AC48
3932	17 CFR 230 Rule 153 Definition of Preceded by a prospectus as used in Section 5(b)(2) in relation to Certain Transactions	3235-AC61
3933	17 CFR 210 Facilitation of Multinational Securities Offerings	3235-AC64
3934	17 CFR 230 Proposed Rule for Limited Resales of Unregistered Securities	3235-AC65
3935	17 CFR 230 Classification of Small Issuers for Reporting Purposes	3235-AC66
3936	17 CFR 229 Proposed Rule Amendments Concerning Disclosure of Inflation-adjusted Information	3235-AC78
3937	17 CFR 210 Independent Accountants - Mandatory Peer Review	3235-AC79
3938	17 CFR 230.701 Rules 701, 702, 703 and Form 701	3235-AC82
3939	17 CFR 270.3a-7 Two-Tier Real Estate Companies	3235-AC84
3940	17 CFR 270.17f-5 Rule 17f-5 under the Investment Company Act of 1940	3235-AC85
3941	17 CFR 240.3a12-8 Rule 3a12-8 of the Securities Exchange Act of 1934	3235-AC88
3942	17 CFR 229.303 Management's Discussion and Analysis of Financial Condition and Operations	3235-AD03
3943	17 CFR 240.13a-10 Reporting Requirements for Change in Fiscal Year End	3235-AD05
3944	17 CFR 240.13d-1 Regulation 13D-G	3235-AD09
3945	17 CFR 200.81 Publication of Interpretative and No-Action Letters and Other Written Communications	3235-AD10
3946	17 CFR 240.15c2-10 Rule 15c2-10	3235-AC94
3947	17 CFR 240.10b-21 Proposed Rule 10b-21 of the Securities Exchange Act of 1934 - Short Sales in Connection with a Public Offering	3235-AC95
3948	17 CFR 230.180 Amendment to Rule 180 -- Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
3949	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11c-1 Under the Investment Company Act	3235-AA14
3950	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
3951	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
3952	17 CFR 270.17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
3953	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
3954	17 CFR 239.14 Prospectus Simplification Amendments to Form N-2	3235-AB40
3955	17 CFR 239.15A Revisions to Expense-Related Disclosure Requirements of Form N-1A	3235-AB73
3956	17 CFR 275.206(3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with respect to Certain Transactions	3235-AB74
3957	17 CFR 270.3a-6 Proposed Rule 3a-6 under the Investment Company Act	3235-AC03
3958	17 CFR 270 Standardized Formula for Calculating Investment Company Performance Data in Advertisements	3235-AC08
3959	17 CFR 275.206(4)-1 Advertising by Investment Advisers	3235-AC09
3960	17 CFR 270.12b-1 Proposed amendments to Rules 12b-1 and 17d-3; Proposed Rule 6c-10	3235-AC11
3961	17 CFR 270.10f-3 Exemption of Acquisition of Securities During the Existence of Underwriting Syndicate	3235-AC28
3962	17 CFR 270.12d3-2 Proposed Rule 12d3-2	3235-AC36
3963	17 CFR 270 6c-9 Exemption for the offer or sale of debt securities and non-voting preferred stock in the United States by foreign banks and subsidiaries organized to finance the operations of foreign banks	3235-AC37
3964	00 CFR NONE Advertising by Unit Investment Trusts	3235-AC70
3965	17 CFR 275.204-2(a) Revision of Certain Investment Adviser Recordkeeping Rules	3235-AC97
3966	17 CFR 270 19b-1 Rule 19b-1 under the Investment Company Act	3235-AC99

SEC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3967	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
3968	17 CFR 230.433 Prospectus delivery requirements in firm commitment offerings of securities made for cash (Rule 433)	3235-AC80
3969	17 CFR 240.14a-1 Facilitating Shareholder Communications	3235-AC81
3970	17 CFR 230.501 Regulation D	3235-AC83
3971	17 CFR 240.14a-1 Facilitating Shareholder Communications	3235-AD07
3972	17 CFR 240.14a-6 Elimination of Filing Requirements for Preliminary Proxy Material Under Certain Circumstances; Rule 14a-8 Shareholder Proposals	3235-AD08
3973	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
3974	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16
3975	17 CFR 275.206(4)-4 Disclosure of Legal and Disciplinary Proceedings	3235-AC06
3976	17 CFR 210.6-07 Accounting for Distribution Expenses	3235-AC07
3977	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
3978	17 CFR 274.11A N - 1A Housekeeping Amendments	3235-AC25
3979	17 CFR 230.174 Rule 174 Amendment - Prospectus Delivery During Quiet Period	3235-AC34

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3980	17 CFR 210.9 Specific Disclosure Requirements for Savings and Loan Holding Companies	3235-AB65
3981	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Rules Relating to Proxy Contests	3235-AA03
3982	17 CFR 230.100 to 230.180 General Rules under the Securities Act of 1933--Rules 100 through 180 (excluding Rules 137, 138 and 139)	3235-AA52
3983	17 CFR 260 Trust Indenture Act Rules	3235-AB43
3984	17 CFR 230.134 Rule 134 under the Securities Act of 1933	3235-AB80
3985	17 CFR 240. "Chinese Wall" Exemption under the Securities Exchange Act of 1934, as amended by the Insider Trading Sanctions Act of 1984	3235-AC14
3986	17 CFR 229.304 Conforming Amendments to Proxy Rules	3235-AC86
3987	17 CFR 229.501 Elimination of Certain Pricing Amendments and Revision of Prospectus Filing Procedures	3235-AC87
3988	17 CFR 240.3a12-8 Rule: 3a12-8of the Securities Exchange Act of 1934	3235-AC89
3989	17 CFR 240.15b2-2 Registration of Government Securities Dealers; Amendments to Form BD	3235-AC90
3990	17 CFR 240.11A(a)(2) Amendments to Rules 11Aa2-1 and 11Aa3-1	3235-AC91
3991	17 CFR 240.14a-1 Facilitating Shareholder Communications	3235-AD06
3992	17 CFR 240. Amendments to Rules 15c3-1, 15c3-3, 17a-3 and 17a-13 Pertaining to Repurchase Agreements	3235-AC74
3993	17 CFR 240.13e-1 Rule 13e-1 of the Securities Exchange Act of 1934 ("Exchange Act")	3235-AC96
3994	17 CFR 270.24f-2 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
3995	17 CFR 250.45(b) Exemption from requirement of a declaration about certain agreements by parent companies in a registered holding company system concerning the obligations of their subsidiary companies	3235-AC98
3996	17 CFR 270.3a-2(c) Rule 30a-2(c) under the Investment Company Act of 1940	3235-AD00
3997	17 CFR 270.8c-1 Rule 8c-1 under the Investment Company Act of 1940	3235-AD01
3998	17 CFR 270.27d-3 Rule 27d-3 under the Investment Company Act of 1940	3235-AD02
3999	17 CFR 270.3c-4 Rule 3c-4 under the Investment Company Act of 1940	3235-AD11
4000	17 CFR 270.27f-1 Rule 27f-1 under the Investment Company Act of 1940	3235-AD12
4001	17 CFR 270 6e-2 Rule 6e-2 under the Investment Company Act of 1940	3235-AD13
4002	17 CFR 270.17e-1 Rule 17e-1 under the Investment Company Act of 1940	3235-AD14
4003	17 CFR 270.22e-1 Rule 22e-1 under the Investment Company Act of 1940	3235-AD15
4004	17 CFR 270.3c-3 Rule 3c-3 under the Investment Company Act of 1940	3235-AD16
4005	17 CFR 270.27e-1 Rule 27e-1 under the Investment Company Act of 1940	3235-AD17

SECURITIES AND EXCHANGE COMMISSION (SEC)

Prerule Stage

Accounting Rules

3923. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. Assertions have been made that accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jeffrey Jones, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB45

3924. PROPOSED ADDITIONS TO RULES AND GUIDE FOR DISCLOSURES CONCERNING RESERVES FOR UNPAID CLAIMS AND CLAIM ADJUSTMENT EXPENSES OF PROPERTY - CASUALTY UNDERWRITERS

Legal Authority: 15 USC 77F; 15 USC 77G; 15 USC 77H; 15 USC 77J; 15 USC 77S; 15 USC 78L; 15 USC 78M; 15 USC 78N; 15 USC 78O; 15 USC 78W; 15 USC 79E; 15 USC 79N; 15 USC 79F; 15 USC 80A-8; 15 USC 80A-29

CFR Citation: 17 CFR 210

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission propose additions to the rules and guides concerning the underwriting and loss reserving experience of property - casualty underwriters. The proposed disclosures would be intended to assist investors in understanding and evaluating companies' reserving practices, the effect on reported income of adjustments to reserves established in prior periods and in comparing those practices and adjustments among entities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jeffrey C. Jones, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC44

Securities Markets and Securities Industry Rules

3925. EXEMPTION OF SALES OF CERTAIN INTERESTS AND PARTICIPATIONS ISSUED IN CONNECTION WITH H.R. 10 PLANS FROM SECTION 15(A)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78o; 15 USC 78w; 15 USC 77c(a)(12); 15 USC 77s(a)

CFR Citation: 17 CFR 240.3a12-10; 17 CFR 230.180

Legal Deadline: None.

Abstract: The proposed rule would specify certain conditions under which persons engaged in the sale of interests and participation issued in connection with certain tax-qualified retirement plans ("H.R.10" or "Keogh" plans) would not be required to register as broker-dealers under Section 15(a) of the Securities Exchange Act of 1934. In 1981, the Commission adopted Rule 180 under the Securities Act of 1933 exempting from the registration requirements of that Act interests and participations issued in connection with H.R. 10 plans. The proposed rule provides a parallel exemption from broker-dealer registration for sales of such interests and participations in H.R. 10 plans. As an alternative the staff could consider granting no-action or exemptive requests on a case-by-case basis. However, such procedure would be inefficient and needlessly expensive for both the public and the Commission staff. In addition, the Commission is proposing to amend Rule 180 to clarify that, under paragraph (a)(3)(ii) of that Rule, the employer only needs to obtain investment advice prior to the investment of plan assets. This proposal codifies a previous staff position.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Susan J. Walters, Branch Chief, Legal Interpretations, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2417

RIN: 3235-AC16

3926. RULE 17AD-8 OF THE SECURITIES EXCHANGE ACT

Legal Authority: 15 USC 17b; 15 USC 78g-1; 15 USC 78w(a)

CFR Citation: 17 CFR 240.17Ad-8

Legal Deadline: None.

Abstract: Rule 17Ad-8 requires a registered clearing agency, at the request of an issuer, to provide the issuer with a "securities position listing." A securities position listing is a list of the clearing agency's participants on whose behalf the clearing agency holds the issuer's securities as well as participants' positions as of a specified date. The Rule further provides that the clearing agency may charge a reasonable fee for providing the list.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, DC 20549, 202 272-2782

RIN: 3235-AC29

SECURITIES AND EXCHANGE COMMISSION (SEC) — Proposed Rule Stage

Accounting Rules

3927. REQUEST FOR COMMENTS ON "OPINION SHOPPING"

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210; 17 CFR 249

Legal Deadline: None.

Abstract: The Commission requested comments on proposed amendments to Forms 8-K and N-SAR and Regulation S-K related to a change in a registrant's certifying accountant. These amendments would clarify the circumstances in which registrants are deemed to have had disagreements with their former auditors and provide for more complete disclosure concerning potential opinion shipping situations and the circumstances surrounding the change in accountants.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/85	50 FR 28219
ANPRM Comment Period End	10/09/85	50 FR 28219
NPRM	06/18/87	52 FR 24019
NPRM Comment Period End	09/24/87	52 FR 24019

Small Entity: Undetermined

Agency Contact: Robert E. Burns, Chief Counsel, Office of Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC02

Disclosure Rules

3928. CONCEPT RELEASE ON TAKEOVERS AND CONTESTS FOR CORPORATE CONTROL

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78c(b); 15 USC 78n(d); 15 USC 78n(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.14d-1 to 240.14d-101; 17 CFR 240.14e-1 to 240.14e-3

Legal Deadline: None.

Abstract: In 1986, the Commission published a release seeking public comment on three concepts relating to corporate takeovers: (1) whether substantial acquisitions of securities effected during the pendency of, or subsequent to the termination of, a tender offer for such securities present issues with respect to takeover practice and, if so, whether a regulatory response is appropriate; second, on the need to establish a shareholder approval requirement for the adoption of "poison pill" security plans; (3) whether to establish provisions in the proposed all holders rule or other tender offer rules by which issuers may "opt-out" of the requirements of such rules through the adoption of charter amendments by shareholders. The Commission has published a summary of comments made in response to this release. On September 16, 1987, the Commission approved a rulemaking proposal on the first issue discussed in the release.

Timetable:

Action	Date	FR Cite
ANPRM	07/31/86	51 FR 28096
ANPRM Comment Period End	12/01/86	
NPRM	10/01/87	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Bradley D. Belt, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-3097

RIN: 3235-AA50

3929. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-3; 17 CFR 240.16e-1; 17 CFR 240.13d-3; 17 CFR 240.14d-1; 17 CFR 229.403; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 240.12h-2

Legal Deadline: None.

Abstract: The Commission will review the existing rules and reporting forms intended to implement the provisions of Section 16 of the Securities Exchange Act. Section 16 seeks to deter misuse of inside information by imposing certain periodic and transactional reporting requirements on the officers, directors and principal beneficial shareholders of companies registered under that Act as well as certain limitations on equity transactions by those persons. Over the years the Commission has adopted a number of rules to clarify the applicability of Section 16's requirements to particular circumstances. The Commission will examine their current suitability in light of the purposes of the statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: The Commission believes that these actions will result in savings to persons subject to these provisions with no reduction in investor protection. This initiative is a consolidation of five projects that were previously listed separately in the October 1983 agenda.

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AB14

3930. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Legal Deadline: None.

Abstract: The Commission intends to revise the disclosure requirements under the federal securities laws relating to registration under the Securities Act of 1933 of securities to be offered to employees of an issuer pursuant to certain plans. Such registration currently is made on Form S-8 (17 CFR 239.16b). The Commission is developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring the availability of sufficient information to employees, particularly where they already have access to much of the required information under ERISA. In the context of this rulemaking, Form S-8 will be fully

reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AB79

3931. RULEMAKING FOR OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78ii; 15 USC 79 to 79z-6; 15 USC 77aaa to 77bbb; 15 USC 80a-1 to 80a-52

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This rulemaking encompasses the changes necessary to mandate and accommodate electronic filing in the operational Edgar system, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing.

Timetable:

Action	Date	FR Cite
ANPRM	07/02/86	51 FR 24155
ANPRM Comment Period End	09/05/86	
NPRM	03/00/88	
NPRM Comment Period End	05/00/88	
Final Action	07/00/88	

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Special Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC48

3932. RULE 153 DEFINITION OF PRECEDED BY A PROSPECTUS AS USED IN SECTION 5(B)(2) IN RELATION TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 77e

CFR Citation: 17 CFR 230

Legal Deadline: None.

Abstract: The Prospectus Delivery Requirement for certain Transactions Effectuated on a National Securities Exchange may be satisfied by delivery to the Exchange. The Commission will consider whether this Procedure should be available for certain Transactions on the NASDAQ Inter Dealer Quotation System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John Reynolds, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AC61

3933. FACILITATION OF MULTINATIONAL SECURITIES OFFERINGS

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 210; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None.

Abstract: In order to facilitate simultaneous multinational securities offerings among, initially, the United States, Canada and the United Kingdom, appropriate criteria are being sought to reconcile differences in disclosure standards, financial statement requirements and distribution systems. The alternatives being considered include (1) a common prospectus approach under which all would agree on common disclosure standards, (2) a reciprocal approach under which the offering document used by the issuer in its domicile jurisdiction would be acceptable in the countries provided certain minimum disclosures are included and (3) a modified reciprocal approach whereby a domestic supplement containing prescribed disclosures would accompany the issuer's home jurisdiction prospectus. Also, the proposal may be limited initially to certain types of offerings or issuers. Draft forms have been discussed with the Canadian and United Kingdom authorities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Carl T. Bodolus, Chief, Office of International Corporate Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235-AC64

3934. PROPOSED RULE FOR LIMITED RESALES OF UNREGISTERED SECURITIES

Legal Authority: 15 USC 77d(1); 15 USC 77d(3); 15 USC 77s(a)

CFR Citation: 17 CFR 230

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission publish for comment two alternative versions of a new rule that would provide a safe harbor exemption from the registration requirements of the Securities Act of 1933 for resales of unregistered securities to institutional investors if certain conditions are met. The first version would require that the issuer of such securities be a reporting company or that the securities be investment grade, non-convertible debt or preferred securities, while the second version would be available for resales of any unregistered securities, debt or equity, of reporting or non-reporting companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Kenneth L. Wagner, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC65

3935. CLASSIFICATION OF SMALL ISSUERS FOR REPORTING PURPOSES

Legal Authority: 15 USC 78l; 15 USC 78m

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Legal Deadline: None.

Abstract: Other appropriate Criteria are being sought to establish the Threshold Level for companies to enter into the Securities Exchange Act of 1934 reporting system which would complement or be substituted for the present size criteria of 500 Shareholders and Total Assets of $5 Million.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/86	51 FR 25369
ANPRM Comment Period End	09/30/86	
NPRM	02/01/88	

Small Entity: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2644**

RIN: 3235-AC66

3936. PROPOSED RULE AMENDMENTS CONCERNING DISCLOSURE OF INFLATION-ADJUSTED INFORMATION

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 229; 17 CFR 249

Legal Deadline: None.

Abstract: The Commission proposed revisions to Regulation S-K and Form 20-F to eliminate mandated supplemental disclosure regarding inflation and changes in prices.

Timetable:

Action	Date	FR Cite
NPRM	12/18/86	51 FR 47026
NPRM Comment Period End	09/01/87	51 FR 47026

Small Entity: No

Agency Contact: James R. Bradow, Professional Accounting Fellow, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AC78

3937. INDEPENDENT ACCOUNTANTS - MANDATORY PEER REVIEW

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None.

Abstract: The Commission has proposed amendments to its rules that would require accountants' reports included in Commission filings be signed by an independent accountant who has undergone a peer review of its accounting and audit practice within the past three years.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	52 FR 11665
NPRM Comment Period End	09/01/87	52 FR 11665

Small Entity: Undetermined

Agency Contact: John A. Heyman, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AC79

3938. RULES 701, 702, 703 AND FORM 701

Legal Authority: 15 USC 77c(b); 15 USC 77s(a)

CFR Citation: 17 CFR 230.701; 17 CFR 230.702; 17 CFR 230.703; 17 CFR 239.701

Legal Deadline: None.

Abstract: The Rules and Form would provide an exemption from the registration requirements of the Securities Act of 1933 for offers and sales of Securities pursuant to certain employment contracts and employee benefit plans of non-reporting companies. Since some cost is involved in registration, the rules would provide some relief to small issuers.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	
NPRM Comment Period End	09/15/87	
Final Action	10/30/87	

Small Entity: Yes

Agency Contact: John Reynolds, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2644**

RIN: 3235-AC82

3939. TWO-TIER REAL ESTATE COMPANIES

Legal Authority: 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.3a-7; 17 CFR 270.6c-11

Legal Deadline: None.

Abstract: The regulation will be designed to codify numerous exemptions from the provisions of the Investment Company Act of 1940 ("Act") granted to two-tier real estate limited partnerships. Exemptions from the Act pursuant to Section 6(c) of the Act have generally been granted where: 1) the two-tier partnership invests in limited partnerships engaged in the development and building of housing for low and moderate income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation will reduce the number of exemptive relief applications received by the Office of Investment Company Regulation requesting exemptions for two-tier real estate limited partnerships.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jack W. Murphy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2048**

RIN: 3235-AC84

3940. RULE 17F-5 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(f); 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-5

Legal Deadline: None.

Abstract: Rule 17f-5 permits U.S. registered Investment Companies to maintain certain Securities and other assets in the custody of an "Eligible Foreign Custodian," as that term is defined in the rule. In response to comments that the present definition of Eligible Foreign Custodian and other provisions of the rule are too restrictive, the Commission is considering whether to propose amendments to the rule.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Thomas C. Mira, Staff Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3033

RIN: 3235-AC85

3941. RULE 3A12-8 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78w; 15 USC 78a; 15 USC 78c(a); 15 USC 23(a)

CFR Citation: 17 CFR 240.3a12-8

Legal Deadline: None.

Abstract: The Rule currently designates certain United Kingdom, Canadian, and Japanese government securities as "exempted securities" under the Securities Exchange Act of 1934 for purposes of marketing futures contracts on those securities in the U.S. Proposed modifications to the Rule will allow any country's government securities to be designated as an exempted security so long as the external foreign debt of the country is rated in one of the two highest categories of a nationally recognized debt rating service. Alternatively, the proposed modification will add certain French, Australian, and New Zealand government securities to be designated "exempt securities."

Timetable:

Action	Date	FR Cite
NPRM	05/14/87	52 FR 18237
NPRM Comment Period End	10/01/87	

Small Entity: No

Agency Contact: David Underhill, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2375

RIN: 3235-AC88

3942. ● MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND OPERATIONS

Legal Authority: 15 USC 78w(a)

CFR Citation: 17 CFR 229.303

Legal Deadline: None.

Abstract: The Commission has solicited public comment on issues relating to Management's Discussion and Analysis of financial condition and operations as required by Item 303 of Regulation S-K. This requirement is the subject of recommendations from members of the accounting profession calling for a more specific approach to requiring disclosure of business risks and uncertainties, as well as additional board of director scrutiny and independent auditor association with these disclosures. The Commission will review comments received to determine whether future rulemaking is appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 13715
ANPRM Comment Period End	06/23/87	
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Brian J. Lane, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-2589

RIN: 3235-AD03

3943. ● REPORTING REQUIREMENTS FOR CHANGE IN FISCAL YEAR END

Legal Authority: 15 USC 78n; 15 USC 78w

CFR Citation: 17 CFR 240.13a-10; 17 CFR 240.13a-13; 17 CFR 240.14a-3; 17 CFR 240.15d-10; 17 CFR 240.15d-13; 17 CFR 249.308

Legal Deadline: None.

Abstract: The Commission will consider proposing revisions to Rules 13a-10 and 15d-10 that would change the reporting forms to be used and the periods for which financial statements are required to be filed where an issuer changes its fiscal year-end. Also, proposals that would revise certain rules governing quarterly reporting are being considered. The proposals would close a reporting gap for interim periods when an issuer changes its fiscal year-end. The proposals would permit issuers, under certain circumstances, to utilize the summarized reporting format of Form 10-Q for reporting on interim periods.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Undetermined

Agency Contact: Barbara J. Green, Attorney Fellow, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AD05

3944. ● REGULATION 13D-G

Legal Authority: 15 USC 78a

CFR Citation: 17 CFR 240.13d-1; 17 CFR 240.13d-2

Legal Deadline: None.

Abstract: The Commission will consider proposing revision of Regulation 13D-G to close certain disclosure gaps, to make the disclosure more meaningful and to broaden the pool of persons allowed to use the short-form beneficial ownership report on Schedule 13G so as to lessen the costs and burdens of compliance.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235-AD09

3945. ● PUBLICATION OF INTERPRETATIVE AND NO-ACTION LETTERS AND OTHER WRITTEN COMMUNICATIONS

Legal Authority: 15 USC 77s; 15 USC 77sss; 15 USC 78w; 15 USC 79t; 15 USC 80a-37; 15 USC 80b-11; 5 USC 552

CFR Citation: 17 CFR 200.81

Legal Deadline: None.

Abstract: The Commission is proposing amendments to Rule 81 of the Commission's regulations on Information and Requests, which would provide for immediate publication of interpretative and no-action letters written by the Commission's staff at the time such letters are sent or given to the requesting party, unless temporary confidential treatment is granted.

Timetable:

Action	Date	FR Cite
NPRM	09/08/87	52 FR 35115
NPRM Comment Period End	10/19/87	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Kenneth L. Wagner, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AD10

Securities Markets and Securities Industry Rules

3946. ● RULE 15C2-10

Legal Authority: 15 USC 78b; 15 USC 78k-1; 15 USC 78o(c)(1); 15 USC 78o(c)(2); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-10

Legal Deadline: None.

Abstract: The Division of Market Regulation is preparing a draft release that would solicit comment on a rule that would govern the operation of proprietary securities trading systems that are not operated as facilities of a national securities association or exchange.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	10/30/87	

Small Entity: No

Agency Contact: William M. Harter, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth St., N.W., Washington, D.C. 20549, 202 272-2414

RIN: 3235-AC94

3947. ● PROPOSED RULE 10B-21 OF THE SECURITIES EXCHANGE ACT OF 1934 - SHORT SALES IN CONNECTION WITH A PUBLIC OFFERING

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78i(a)(6); 15 USC 78j(a); 15 USC 78j(b); 15 USC 78o(c); 15 USC 78w(a); 15 USC 78dd(a)

CFR Citation: 17 CFR 240.10b-21

Legal Deadline: None.

Abstract: Proposed Rule 10b-21 would prohibit a person who effects short sales of an equity security during the period between the filing of a registration statement relating to the same class of equity securities and the commencement of the public offering of such equity securities from covering such short sales with securities purchased from an underwriter or broker or dealer participating in the public offering of such equity securities. The proposed rule is designed to prevent manipulative short selling by market participants in anticipation of underwritten public offerings.

Timetable:

Action	Date	FR Cite
NPRM	05/20/87	52 FR 102
NPRM Comment Period End	07/27/87	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth St., N.W., Washington, D.C. 20549, 202 272-2880

RIN: 3235-AC95

Investment Management Rules

3948. AMENDMENT TO RULE 180 -- EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Legal Deadline: None.

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Jack W. Murphy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N. W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA08

3949. PROPOSED RULES 11A-3 AND 11C-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a)

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11c-1

Legal Deadline: None.

Abstract: The proposed rules would exempt certain persons from the

requirements of Section 11(a) of the Investment Company Act. That section prohibits any registered open-end investment company and its principal underwriter from making an offer to a shareholder to exchange his security for another security on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms have been submitted to and approved by the Commission or comply with rules the Commission may prescribe. Section 11(c) states in part that the terms of any offer of exchange involving the securities of registered unit investment trusts must also be submitted to and approved by the Commission or comply with rules the Commission may prescribe. Proposed rule 11a-3 would permit a mutual fund or its principal underwriter to make certain exchange offers to its own shareholders or to shareholders of another fund in the same family of funds. Proposed rule 11c-1 would permit a unit investment trust or its sponsor to make certain exchange offers to unitholders of the same series or another series of the same trust or to unitholders of another unit investment trust

Timetable:

Action	Date	FR Cite
NPRM	12/23/86	51 FR 47260
NPRM Comment Period End	09/01/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: having the same sponsor. By codifying standards for a variety of exchanges, these proposed rules are intended to significantly reduce the number of exemptive applications filed with the Commission under Section 11.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Brian P. Kindelan, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA14

3950. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-16(c); 15 USC 80a-35; 15 USC 80a-6(c)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Ext'n of Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354.

Agency Contact: Jack W. Murphy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA44

3951. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None.

Abstract: On May 14, 1985, the Commission issued a release (Investment Company Act Release NO.14513 (50 FR 21282) soliciting public comment on proposed Form N-7, a form for registration of unit Investment Trusts and their securities under the Investment Act of 1940 and the Securities Act of 1933, and certain related rules and rule amendments. The Commission also published staff guidelines for the preparation of Form N-7. The proposed form would establish a two-part format for disclosure to prospective investors consisting of a simplified prospectus that can be use to satisfy the prospectus delivery requirements of the Securities Act of 1933 and a statement of additional information that would be available to prospective investors upon request and without charge. The Commission is proposing Form N-7 in order to (I) integrate the reporting and disclosure requirements of the Securities Act of 1933 and the investment trusts in one document; (II) codify in the form and guidelines the disclosure standards that have been developed for unit investment trusts; and (III) shorten and simplify the prospectus while making available on request more extensive information not of routine(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	
NPRM Comment Period End	12/31/87	50 FR 21282

Small Entity: Yes

Additional Information: ABSTRACT CONT: interest to most investor.

Agency Contact: Jay Gould, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AA47

3952. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Legal Deadline: None.

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The staff is concurrently reviewing similar reporting requirements for investment advisers under Rule 204-2(a)(12) and (13) under the Investment Advisers Act, in order to (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: harmonize the provisions of Rule 17j-1 and Rule 204-2 to the extent possible. The Commission is also considering whether to amend Rule 17j-1 to define specified acts as fraudulent, deceptive, or manipulative or to require certain minimum standards to be set forth in a company's code of ethics.

Agency Contact: Meryl Dewey, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3038

RIN: 3235-AA68

3953. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Legal Deadline: None.

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-7317

RIN: 3235-AA69

3954. PROSPECTUS SIMPLIFICATION AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Legal Deadline: None.

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of of preparing and distributing prospectuses. Accordingly, the Commission is proposing a new form N-2A that most likely would be structured as a three-part form, one part of which would be a new simplified prospectus. There does not currently exist (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are expected to reduce the cost of registration for both the industry and government.

Agency Contact: Debra J. Kertzman, Attorney, Securities and Exchange Commission, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235-AB40

3955. REVISIONS TO EXPENSE-RELATED DISCLOSURE REQUIREMENTS OF FORM N-1A

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 239.15A; 17 CFR 274.11A

Legal Deadline: None.

Abstract: On November 9, 1984, the Commission issued a release (Investment Company Act Release (No. 14230) soliciting comments on proposed revisions to Form N-1A, the registration form for mutual funds, that would consolidate narrative expense disclosures and require a fee table. The Commission will consider whether to repropose similar amendments to Form N-1A limited to adding a fee table to the prospectus and expanding disclosure of distribution plans adopted under Rule 12B-1 under the Investment Company Act.

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	49 FR 45172
NPRM Comment Period End	10/15/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: John McGuire, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AB73

3956. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206(3)-3

Legal Deadline: None.

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: John McGuire, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AB74

3957. PROPOSED RULE 3A-6 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-6

Legal Deadline: None.

Abstract: The Commission is considering whether to propose a rule that would provide exemptive relief from all provisions of the ICA to limited purpose finance subsidiaries that own or hold mortgage-backed securities. This would obviate the necessity of these subsidiaries filing applications for exemptive relief.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Brian P. Kindelan, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235-AC03

3958. STANDARDIZED FORMULA FOR CALCULATING INVESTMENT COMPANY PERFORMANCE DATA IN ADVERTISEMENTS

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270

Legal Deadline: None.

Abstract: On September 17, 1986, the Commission proposed for comment amendments to several rules and forms and new rules that would (1) standardize the method of calculating performance quotations used in investment company advertisements and sales literature, require additional risk disclosure in advertisements and sales literature combining performance quotations, improving prospectus disclosure of performance quotations, prohibit stale performance quotations, and eliminate the requirement that funds file sales literature and advertisements with the Commission if it is filed with the NASD. The Commission is considering whether to adopt such rules.

Timetable:

Action	Date	FR Cite
NPRM	09/17/86	51 FR 34384
NPRM Comment Period End	09/01/87	

Small Entity: Undetermined

SEC

Proposed Rule Stage

Additional Information: ABSTRACT CONT: Because the proposed rule amendments are in their developmental stages, the potential effect on small entities and potential costs and benefits as a whole are unknown at this time.

Agency Contact: Robert E. Plaze, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2107**

RIN: 3235-AC08

3959. ADVERTISING BY INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6(4)

CFR Citation: 17 CFR 275.206(4)-1

Legal Deadline: None.

Abstract: Rule 206(4)-1 contains a wide range of restrictions on advertising by investment advisers including prohibitions on the use of testimonials. The rule was adopted in 1962 and has not been revised since. The Commission is considering whether to amend the rule in a manner which would permit greater flexibility to investment advisers in their advertising and protect the investing public from potential abuse. Because the proposed amendments to the rule are still in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are uncertain at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert E. Plaze, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2098**

RIN: 3235-AC09

3960. PROPOSED AMENDMENTS TO RULES 12B-1 AND 17D-3: PROPOSED RULE 6C-10

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37; 15 USC 80a-12(b); 15 USC 80a-17(d)

CFR Citation: 17 CFR 270.12b-1; 17 CFR 270.17d-3; 17 CFR 270.6c-10

Legal Deadline: None.

Abstract: The Commission will consider whether to propose amendments to Rule 12b-1 under the Investment Company Act to redefine the circumstances under which investment companies may finance distribution out of fund assets. The Commission will also consider whether to propose amendments to Rule 17d-3 to allow affiliated investment companies to jointly finance distribution activities under certain conditions. Finally, the Commission will consider whether Rule 6c-10 under the Act to allow investment companies to charge deferred sales loads, including contingent deferred sales loads, under certain conditions. These actions would eliminate the need for investment companies to file applications for exemptive relief.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jack W. Murphy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2048**

RIN: 3235-AC11

3961. EXEMPTION OF ACQUISITION OF SECURITIES DURING THE EXISTENCE OF UNDERWRITING SYNDICATE

Legal Authority: 15 USC 80a-10(f); 15 USC 80a-37(a); 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.10f-3

Legal Deadline: None.

Abstract: The conditions in existing Rule 10f-3, which allow purchases from affiliated underwriters during the existence of an underwriting syndicate, may no longer be appropriate in today's financial markets. The Commission is investigating possible alternative provisions and soliciting comment on these alternatives.

Timetable:

Action	Date	FR Cite
ANPRM	01/29/86	51 FR 4386
ANPRM Comment Period End	04/07/86	51 FR 4386

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, NW (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235-AC28

3962. PROPOSED RULE 12D3-2

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-2

Legal Deadline: None.

Abstract: The Commission is considering whether to propose a rule that would set forth the conditions under which registered investment companies may engage in repurchase agreement transactions with persons engaged in securities related businesses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Brian Kindelan, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235-AC36

3963. EXEMPTION FOR THE OFFER OR SALE OF DEBT SECURITIES AND NON-VOTING PREFERRED STOCK IN THE UNITED STATES BY FOREIGN BANKS AND SUBSIDIARIES ORGANIZED TO FINANCE THE OPERATIONS OF FOREIGN BANKS

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6c-9; 17 CFR 274.304

Legal Deadline: None.

Abstract: Foreign banks and their finance subsidiaries are considered investment companies under the Investment Company Act of 1940. The rule would, under certain circumstances, permit a foreign bank or the bank's finance subsidiary to offer or sell its own securities or non-voting preferred stock in the United States without registering as an Investment Company under the Investment Company Act.In connection with the

rule, foreign banks and certain foreign bank finance subsidiaries would be required to file proposed Form N-6c9.

Timetable:

Action	Date	FR Cite
NPRM	09/17/86	51 FR 34221
NPRM Comment Period End	09/01/87	51 FR 34221

Small Entity: No

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235-AC37

3964. ADVERTISING BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 77j; 15 USC 77s; 15 USC 80a-37(a)

CFR Citation: 00 CFR NONE

Legal Deadline: None.

Abstract: Currently unit investment trusts advertise their performance by means of an "estimated current return" which shows estimated cash flow. However, because there is no uniform method of computing the estimated current return, they cannot be compared by prospective investors. This rulemaking project will endeavor to create such a uniform method. A uniform method of computation will permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Robert E. Plaze, Special Counsel, Securities and Exchange Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2107**

RIN: 3235-AC70

3965. ● REVISION OF CERTAIN INVESTMENT ADVISER RECORDKEEPING RULES

Legal Authority: 15 USC 80b-4(2); 15 USC 80b-6(4)

CFR Citation: 17 CFR 275.204-2(a); 17 CFR 275.204-2(e)

Legal Deadline: None.

Abstract: Under the books and records rules of the Investment Advisers Act of 1940, investment advisers are permitted to advertise but are not required to maintain their advertisements nor the worksheets used to calculate the performance information in advertisements. We are proposing a rule that would require these documents to be kept. If the rule is proposed and adopted, Commission inspectors would be able to examine these advertisements and the worksheets used to calculate performance information in advertisements which would aid the Commission's efforts to eliminate fraudulent and misleading advertisements by investment advisers. Adoption of such a rule would also increase the public's confidence in performance information in advertisements.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W., Washington, D.C. 20549, **202 272-7317**

RIN: 3235-AC97

3966. ● RULE 19B-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-19(b); 15 USC 80a-19(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.19b-1

Legal Deadline: None.

Abstract: Rule 19b-1 prohibits regulated investment companies, generally from distributing long-term capital gains more than once during a fiscal year. The proposed rule would address certain changes in tax code by permitting an additional distribution per year, subject to certain conditions. But for the amendment, companies would either have to pay an additional tax or file an application for exemptive relief. The amended rule would require an additional notice to investors, but the cost of such notice should be outweighed by the savings realized by not having to pay an excise tax or file an exemptive application.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 22496
NPRM Comment Period End	09/01/87	52 FR 22496

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Meryl Dewey, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W., Washington, D.C., **202 272-3038**

RIN: 3235-AC99

SECURITIES AND EXCHANGE COMMISSION (SEC)

Final Rule Stage

Accounting Rules

3967. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Legal Deadline: None.

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period End	05/15/84	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: This entry replaces the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB15

Disclosure Rules

3968. PROSPECTUS DELIVERY REQUIREMENTS IN FIRM COMMITMENT OFFERINGS OF SECURITIES MADE FOR CASH (RULE 433)

Legal Authority: 15 USC 77b(10); 15 USC 77s(a); 15 USC 77j(a)(4); 15 USC 77j(d)

CFR Citation: 17 CFR 230.433

Legal Deadline: None.

Abstract: The Commission is proposing two alternative versions of a new Rule 433 that would provide a safe harbor from the requirement to deliver a final prospectus prior to or contemporaneously with a confirmation of sale in a firm commitment offering of securities for cash. Both proposals would permit, if all conditions of the Rule are satisfied, the sending of a final prospectus no later than five business days after a confirmation of sale is sent to an investor in such an offering.

Timetable:

Action	Date	FR Cite
NPRM	08/06/87	
Final Action	01/00/88	

Small Entity: Yes

Agency Contact: Sarah A. Miller, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC80

3969. FACILITATING SHAREHOLDER COMMUNICATIONS

Legal Authority: 15 USC 78l; 15 USC 78n; 15 USC 78q; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-1; 17 CFR 240.14a-13; 17 CFR 240.14b-1; 17 CFR 240.14b-2; 17 CFR 240.14c-1; 17 CFR 240.14c-7

Legal Deadline: None.

Abstract: In order to avoid duplicative forwarding of proxy soliciting material to employee benefit plan participants who are beneficial owners and excessive recordkeeping burdens for both brokers and banks and to save costs for registrants, the Commission is proposing amendments that would exclude, under certain circumstances, certain employee benefit plan participants from the shareholder communications rules. The alternatives proposed include: (1) an optional exclusion on the part of registrant if certain prerequisites are satisfied; (2) a mandatory exclusion without any trigger mechanism; and (3) a mandatory exclusion with a trigger mechanism.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 11083
NPRM Comment Period End	05/07/87	
Further public comment requested	06/19/87	52 FR 23855
Extended comment period will end	08/10/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Sarah A. Miller, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC81

3970. REGULATION D

Significance: Agency Priority

Legal Authority: 15 USC 77b(15); 15 USC 77c(b); 15 USC 77d(2); 15 USC 77d(b); 15 USC 77s(a); 15 USC 77s(c)

CFR Citation: 17 CFR 230.501; 17 CFR 230.502; 17 CFR 230.503; 17 CFR 230.504; 17 CFR 230.505; 17 CFR 230.506

Legal Deadline: None.

Abstract: The proposed revisions would add to the number of persons who would qualify as accredited investors raise the dollar ceiling for certain exempt offerings and make general technical changes to the regulation which provides three different exemptions from the registration requirements of the securities act of 1933. The revisions by widening the scope of the exemptions will aid smaller businesses that will be able to raise needed capital without registering under the Securities Act.

SEC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	
NPRM Comment Period End	03/15/87	
Final Action Effective	11/01/87	

Small Entity: Yes

Agency Contact: Karen O'Brien, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AC83

3971. ● FACILITATING SHAREHOLDER COMMUNICATIONS

Legal Authority: 15 USC 78l; 15 USC 78n; 15 USC 78q; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-1; 17 CFR 240.14a-13; 17 CFR 240.14b-1; 17 CFR 240.14b-2; 17 CFR 240.14c-1; 17 CFR 240.14c-7

Legal Deadline: None.

Abstract: The Commission is proposing amendments to the shareholder communications rules that would require a registrant to exclude, under certain circumstances, employee benefit plan participants from the operation of the proxy processing provisions with respect to securities of a registrant held in nominee name pursuant to the plan. The proposed amendments also would exclude plan participants from a registrant's request for a list of beneficial owners under certain circumstances. The proposed amendments are intended to avoid duplicative mailing of proxy materials to plan participants, to achieve the most efficient means of communicating with such plan participants and to realize cost savings for registrants in connection with proxy processing obligation and requesting beneficial ownership lists. In addition to these proposed amendments, the Commission is considering various alternatives including an optional exclusion of plan participants from the shareholder communications rules if certain prerequisites are satisfied, making one or both of the exclusions from the proxy processing and direct communications systems mandatory and an automatic across-the-board mandatory exclusion.

Timetable:

Action	Date	FR Cite
NPRM	06/19/87	52 FR 23855
NPRM Comment Period End	08/10/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Barbara J. Green, Attorney Fellow, Office of Diclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AD07

3972. ● ELIMINATION OF FILING REQUIREMENTS FOR PRELIMINARY PROXY MATERIAL UNDER CERTAIN CIRCUMSTANCES; RULE 14A-8 SHAREHOLDER PROPOSALS

Legal Authority: 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-6; 17 CFR 240.14a-8; 17 CFR 240.14c-5; 17 CFR 240.14c-101; 17 CFR 270.20a-1

Legal Deadline: None.

Abstract: The Commission is proposing to eliminate the filing of preliminary proxy and information statements under certain circumstances. The proposed amendments are intended to decrease filing burdens on registrants and reduce administrative costs incurred by the Commission in processing such preliminary material. The Commission also is proposing amendments to Rule 14a-8, the shareholder proposal Rule including deleting the limitation on inclusion of a shareholder proposal in a registrant's proxy material where the proponent delivers written proxy materials to holders of more than 25% of a class of the registrant's securities. As alternatives, the Commission is considering modifying or clarifying the 25% limitation.

Timetable:

Action	Date	FR Cite
NPRM	06/04/87	52 FR 22334
NPRM Comment Period End	07/27/87	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Barbara J. Green, Attorney Fellow, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AD08

Investment Management Rules

3973. PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-4

Legal Deadline: None.

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

Action	Date	FR Cite
NPRM	10/10/80	45 FR 69479
NPRM Comment Period End	01/31/81	45 FR 69479

Next Action Undetermined

Small Entity: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: Jack W. Murphy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street,

NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA12

3974. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Legal Deadline: None.

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jack W. Murphy, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA16

3975. DISCLOSURE OF LEGAL AND DISCIPLINARY PROCEEDINGS

Legal Authority: 15 USC 80B-6(4)

CFR Citation: 17 CFR 275.206(4)-4

Legal Deadline: None.

Abstract: Section 206 of the Investment Advisers Act of 1940 prohibits a wide range of fraudulent activity by investment advisers. The Commission has interpreted this section to require that advisers disclose material financial and disciplinary information to clients. On September 19, 1986, the Commission proposed for public comment Rule 206(4)-4 to codify this disclosure obligation. The proposed rule sets forth a general standard and provides guidance on some of the disciplinary events that must be disclosed. By codifying the obligation and providing greater certainty to advisers in fulfilling it, the rule should help ensure that clients are provided with this material information. See Investment Advisers Act Release No. IA-1035, 51 FR 34229, September 26, 1986. The rule's impact on small entities cannot be qualified. However, the proposal by codifying an existing disclosure obligation, should not impose additional costs on advisers.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/86	
NPRM	09/26/86	51 FR 34229
NPRM Comment Period End	11/21/86	
Final Action	10/30/87	

Small Entity: Undetermined

Agency Contact: Debra J. Kertzman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W.(Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC06

3976. ACCOUNTING FOR DISTRIBUTION EXPENSES

Legal Authority: 15 USC 77f; 15 USC 80a-37

CFR Citation: 17 CFR 210.6-07

Legal Deadline: None.

Abstract: On July 10, 1985, the Commission proposed for public comment an amendment to Regulation S-X to require that registered investment companies account for net costs incurred as a result of 12b-1 plan as expenses. The amendment would achieve consistent accounting for 12b-1 expenditures thereby ensuring greater uniformity in the accounting practices of investment companies and allowing investors to more accurately compare investment results among investment companies. See Investment Company Act Release No. IC-14623, 50 FR 28953, July 17, 1985.

Timetable:

Action	Date	FR Cite
NPRM	07/17/85	50 FR 28953
NPRM Comment Period End	09/30/85	
Final Action	09/01/87	

Small Entity: No

Agency Contact: Debra Kertzman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC07

3977. DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77(g); 15 USC 77(i); 15 USC 77(s)(a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None.

Abstract: The Commission proposed amendments to Rules 134, 436, and 482 under the Securities Act of 1933 on March 14, 1986. The amendments would, if adopted, permit certain investment companies to use in their statutory and omitting prospectuses security ratings assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO'S consent to being named pursuant to Section 7 of the Securities Act. The Commission is now considering whether to adopt such amendments.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	05/16/86	51 FR 9838

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jay Gould, Attorney, Securities and Exchange Commission,

SEC — Final Rule Stage

Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC24

3978. N - 1A HOUSEKEEPING AMENDMENTS

Legal Authority: 15 USC 580a-8(b)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None.

Abstract: The Commission is considering several modifications to Form N1A which would reduce the number of copies that must be filed with the Commission, clarify the operation of item 15(c) of the Statement of Additional information with respect to series companies, and confirm the procedures for requesting the statement of additional information to those contained in Forms N-3 and N-4.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John McGuire, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth street, N. W., Washington, DC 20549, 202 272-2107

RIN: 3235-AC25

3979. RULE 174 AMENDMENT - PROSPECTUS DELIVERY DURING QUIET PERIOD

Legal Authority: 15 USC 77s; 15 USC 77d

CFR Citation: 17 CFR 230.174

Legal Deadline: None.

Abstract: The Commission intends to adopt amendments to Rule 174 under the Securities Act of 1933 that would reduce or eliminate under certain circumstances the 40 or 90 day delivery period during which dealers must deliver a prospectus in aftermarket transactions in registered securities following a public offering.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46874
NPRM Comment Period End	03/01/87	51 FR 46874
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC34

SECURITIES AND EXCHANGE COMMISSION (SEC) — Completed Actions

3980. SPECIFIC DISCLOSURE REQUIREMENTS FOR SAVINGS AND LOAN HOLDING COMPANIES

CFR Citation: 17 CFR 210.9; 17 CFR 231; 17 CFR 241

Completed:

Reason	Date	FR Cite
Staff Accounting Bulletin Issued	05/08/87	52 FR 18200

Small Entity: Undetermined

Agency Contact: Laurel R. Bond 202 272-2130

RIN: 3235-AB65

3981. REGULATION 14A -- RULES RELATING TO PROXY CONTESTS

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Completed:

Reason	Date	FR Cite
Withdrawn	07/20/87	

Small Entity: Undetermined

Agency Contact: Division of Corporation Finance 202 272-2589

RIN: 3235-AA03

3982. GENERAL RULES UNDER THE SECURITIES ACT OF 1933--RULES 100 THROUGH 180 (EXCLUDING RULES 137, 138 AND 139)

CFR Citation: 17 CFR 230.100 to 230.180

Completed:

Reason	Date	FR Cite
Withdrawn	07/20/87	

Small Entity: Undetermined

Agency Contact: Division of Corporation Finance 202 272-2589

RIN: 3235-AA52

3983. TRUST INDENTURE ACT RULES

CFR Citation: 17 CFR 260

Completed:

Reason	Date	FR Cite
Withdrawn	07/20/87	

Small Entity: Undetermined

Agency Contact: William Morley 202 272-2573

RIN: 3235-AB43

3984. RULE 134 UNDER THE SECURITIES ACT OF 1933

CFR Citation: 17 CFR 230.134

Completed:

Reason	Date	FR Cite
Withdrawn	07/20/87	

Small Entity: Undetermined

Agency Contact: Division of Corporation Finance 202 272-2573

RIN: 3235-AB80

3985. "CHINESE WALL" EXEMPTION UNDER THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED BY THE INSIDER TRADING SANCTIONS ACT OF 1984

CFR Citation: 17 CFR 240.

Completed:

Reason	Date	FR Cite
Withdrawn	07/20/87	

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky 202 272-2589

RIN: 3235-AC14

3986. CONFORMING AMENDMENTS TO PROXY RULES

CFR Citation: 17 CFR 229.304; 17 CFR 239.25; 17 CFR 239.34; 17 CFR 240.14a-2; 17 CFR 240.14a-6; 17 CFR 240.14a-8; 17 CFR 240.14a-11; 17 CFR 240.14a-14; 17 CFR 240.14a-101

Completed:

Reason	Date	FR Cite
Final Action	06/24/87	52 FR 23646
Final Action Effective	07/10/87	

Small Entity: Yes

Agency Contact: Barbara J. Green 202 272-2589

RIN: 3235-AC86

3987. ELIMINATION OF CERTAIN PRICING AMENDMENTS AND REVISION OF PROSPECTUS FILING PROCEDURES

CFR Citation: 17 CFR 229.501; 17 CFR 229.512; 17 CFR 229.601; 17 CFR 230.423; 17 CFR 230.424; 17 CFR 230.430A, (new); 17 CFR 230.481; 17 CFR 230.482; 17 CFR 230.497; 17 CFR 230.499; 17 CFR 239.13; 17 CFR 239.25; 17 CFR 239.33; 17 CFR 239.34; 17 CFR 239.14a-101; ...

Completed:

Reason	Date	FR Cite
Final Action	05/27/87	52 FR 21252
Final Action Effective	07/05/87	

Small Entity: Yes

Agency Contact: Alexander G. Shtofman 202 272-2589

RIN: 3235-AC87

3988. RULE: 3A12-8OF THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.3a12-8

Completed:

Reason	Date	FR Cite
Final Action	03/20/87	52 FR 8875
Final Action Effective	04/19/87	

Small Entity: No

Agency Contact: David Underhill 202 272-2375

RIN: 3235-AC89

3989. REGISTRATION OF GOVERNMENT SECURITIES DEALERS; AMENDMENTS TO FORM BD

CFR Citation: 17 CFR 240.15b2-2; 17 CFR 240.15Ca1-1; 17 CFR 240.15Ca2-1; 17 CFR 240.15Ca2-2; 17 CFR 240.15Ca2-3; 17 CFR 240.15Ca2-4; 17 CFR 240.15Ca2-5; 17 CFR 240.15Cc1-1

Completed:

Reason	Date	FR Cite
Final Action	04/21/87	50 FR 16833
Final Action Effective	07/25/87	

Small Entity: Undetermined

Agency Contact: Lynne G. Masters 202 272-2848

RIN: 3235-AC90

3990. AMENDMENTS TO RULES 11AA2-1 AND 11AA3-1

CFR Citation: 17 CFR 240.11A(a)(2); 17 CFR 240.11A(a)(3)

Completed:

Reason	Date	FR Cite
Final Action Rule adopted	06/29/87	52 FR 24144
Final Action Effective	07/29/87	

Small Entity: Yes

Agency Contact: Alden Adkins 202 272-2857

RIN: 3235-AC91

3991. ● FACILITATING SHAREHOLDER COMMUNICATIONS

Legal Authority: 15 USC 78l; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-1; 17 CFR 240.14a-13; 17 CFR 240.14b-1; 17 CFR 240.14b-2; 17 CFR 240.14c-1; 17 CFR 240.14c-7

Legal Deadline: None.

Abstract: The Commission adopted amendments to the shareholder communications rules that defer the application of the proxy processing provisions in Rules 14a-13(a), 14b-2(a), (c) and (d) and 14c-7(a) with respect to beneficial owners who are employee benefit plan participants with securities held in nominee name by a bank, association or other entity that exercises fiduciary powers ("bank"). The amendments provide temporarily for a mandatory exclusion of plan participants from the bank proxy processing provisions of the shareholder communications rules pending consideration by the Commission of a range of approaches to the treatment of plan participants under the shareholder communications rules on a permanent basis. The Commission also adopted amendments that (1) change from three to five business days the time in which a bank is to execute an omnibus proxy and provide notice of that execution to respondent banks; (2) add a definition of employee benefit plan; and (3) make other clarifying and technical changes.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	
NPRM Comment Period End	05/07/87	
Final Action	06/19/87	52 FR 23646

Small Entity: No

Agency Contact: Barbara J. Green, Attorney Fellow, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AD06

3992. AMENDMENTS TO RULES 15C3-1, 15C3-3, 17A-3 AND 17A-13 PERTAINING TO REPURCHASE AGREEMENTS

CFR Citation: 17 CFR 240.

Completed:

Reason	Date	FR Cite
Final Action Rule amendments to Rules 17a-3, 17a-13 & Rule 15c3-1 were adopted	06/11/87	52 FR 22295

Small Entity: No

Agency Contact: Michael Jamroz 202 272-2398

RIN: 3235-AC74

3993. ● RULE 13E-1 OF THE SECURITIES EXCHANGE ACT OF 1934 ("EXCHANGE ACT")

Legal Authority: 15 USC 78m(d); 15 JSC 78m(e); 15 USC 78n(d); 15 USC 78n(f)

CFR Citation: 17 CFR 240.13e-1

Legal Deadline: None.

Abstract: Rule 13e-1 prohibits an issuer subject to section 13(e) of the Exchange

Act from purchasing any of its own equity securities after a tender offer is made by a third party unless the issuer has both filed a statement containing certain information with the Commission and conveyed the substance of that information to shareholders within the previous six months. The information required is 1) the title, amount, and source of the securities to be purchased; 2) the purpose of the purchases and intended disposition of the securities purchased; and 3) the source and amount of funds or other consideration to be used in making the purchases. Rule 13e-1 further provides that the initial statement be accompanied by a fee payable to the Commission as required by Rule 0-11 of the Exchange Act.

Timetable:

Action	Date	FR Cite
Final Action	07/30/68	
Final Action Effective	07/30/68	

Small Entity: Undetermined

Agency Contact: Nancy Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth St., N.W., Washington, D.C. 20549, 202 272-2880

RIN: 3235-AC96

3994. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

CFR Citation: 17 CFR 270.24f-2

Completed:

Reason	Date	FR Cite
Final Action	01/31/88	

Small Entity: Undetermined

Agency Contact: Jay B. Gould 202 272-3040

RIN: 3235-AC10

3995. ● EXEMPTION FROM REQUIREMENT OF A DECLARATION ABOUT CERTAIN AGREEMENTS BY PARENT COMPANIES IN A REGISTERED HOLDING COMPANY SYSTEM CONCERNING THE OBLIGATIONS OF THEIR SUBSIDIARY COMPANIES

Legal Authority: 15 USC 79(c); 15 USC 79(t); 15 USC 791(b)

CFR Citation: 17 CFR 250.45(b)

Legal Deadline: None.

Abstract: The proposed rule would exempt from the requirement of a declaration certain routine agreements whereby a parent company in a registered holding company system guarantees, assumes joint liability upon, or acts a surety or indemnitor for the obligations of its subsidiary company.

If adopted, the proposed rule would result in an annual savings to respondent holding companies of approximately $112,200.

Timetable:

Action	Date	FR Cite
Proposed rule amendment Rule amendment approved by the Commission for public comment	06/16/87	

Small Entity: No

Agency Contact: William C. Weeden, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7683

RIN: 3235-AC98

3996. ● RULE 30A-2(C) UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-2(c)

Legal Deadline: None.

Abstract: Rule rescinded on January 4, 1985.

Timetable:

Action	Date	FR Cite
Withdrawn	01/04/85	50 FR 1442

Small Entity: Not Applicable

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD00

3997. ● RULE 8C-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.8c-1

Legal Deadline: None.

Abstract: Rule rescinded on March 30, 1954.

Timetable:

Action	Date	FR Cite
Withdrawn	03/30/54	

Small Entity: Not Applicable

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD01

3998. ● RULE 27D-3 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-27(d); 15 USC 80a-27(f); 15 USC 80a-29(b); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.27d-3

Legal Deadline: None.

Abstract: Rule rescinded on July 9, 1985.

Timetable:

Action	Date	FR Cite
Withdrawn	07/09/85	50 FR 27937

Small Entity: Not Applicable

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD02

3999. ● RULE 3C-4 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3c-4

Legal Deadline: None.

Abstract: Rule 3c-4 defines the term "common trust fund" to include multi-bank common trust funds, and thus has the effect of exempting multi-bank common trust funds from the provisions of the Investment Company Act of 1940.

Timetable:

Action	Date	FR Cite
End Review	08/04/87	

Small Entity: Yes

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD11

4000. ● RULE 27F-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-27(f); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.27f-1

Legal Deadline: None.

Abstract: Rule 27f-1 prescribes specific circumstances under which a notice must be mailed to periodic payment plan certificate holders and sets forth the exact wording to be used in the notice required on Form N-27F-1.

Timetable:

Action	Date	FR Cite
End Review	08/04/87	

Small Entity: Yes

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD12

4001. ● RULE 6E-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6e-2

Legal Deadline: None.

Abstract: Rule 6e-2 exempts a variable life insurance separate account which qualifies under the rule from the registration provisions of the Investment Company Act of 1940, provided it complies with all other applicable provisions of that Act.

Timetable:

Action	Date	FR Cite
End Review	08/05/87	

Small Entity: No

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD13

4002. ● RULE 17E-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-30(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17e-1

Legal Deadline: None.

Abstract: Rule 17e-1 describes the determinations an investment company must make before paying a commission, fee, or other remuneration to an affiliated person in connection with a securities transaction.

Timetable:

Action	Date	FR Cite
End Review	08/04/87	

Small Entity: Yes

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD14

4003. ● RULE 22E-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6; 15 USC 80a-37

CFR Citation: 17 CFR 270.22e-1

Legal Deadline: None.

Abstract: Rule 22e-1 exempts a registered separate account from certain provisions of Section 22(e) of the Investment Company Act during the annuity payment period of variable annuity contracts participating in such account.

Timetable:

Action	Date	FR Cite
End Review	08/05/87	

Small Entity: No

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD15

4004. ● RULE 3C-3 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3c-3

Legal Deadline: None.

Abstract: Rule 3c-3 provides an exemption from the Investment Company Act of 1940 for a small business investment company (SBIC) issuing certain securities guaranteed by the Small Business Administration, provided such SBIC is otherwise exempt from that Act.

Timetable:

Action	Date	FR Cite
End Review	08/04/87	

Small Entity: Yes

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD16

4005. ● RULE 27E-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.27e-1

Legal Deadline: None.

Abstract: Rule 27e-1 prescribes specific circumstances under which a notice must be mailed to periodic payment plan certificate holders and sets forth the exact wording to be used in the notice required on Form N-27E-1.

Timetable:

Action	Date	FR Cite
End Review	08/04/87	

Small Entity: Yes

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235-AD17

[FR Doc. 87-21270 Filed 10-23-87; 8:45 am]

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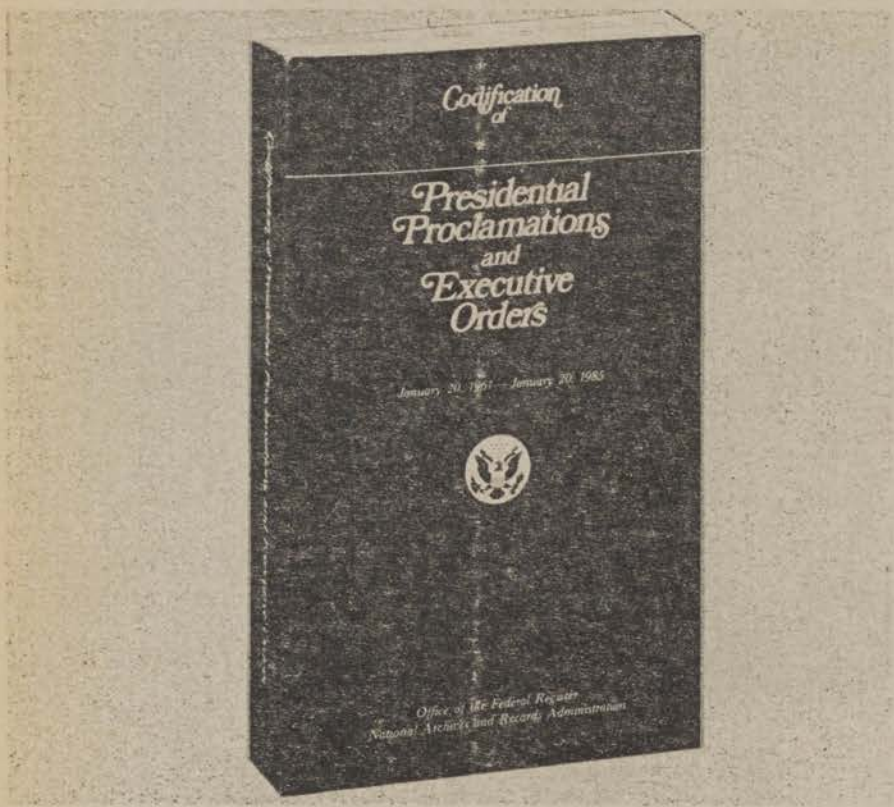
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